SENATE

THURSDAY, *April 22, 1926*

(Legislative day of Monday, April 19, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Sackett
Bayard	Ferris	King	Sheppard
Bingham	Fess	La Follette	Shipstead
Blease	Frazier	McKellar	Simmons
Borah	George	McKinley	Smith
Bratton	Gerry	McLean	Smoot
Broussard	Gillett	McMaster	Stanfield
Bruce	Glass	McNary	Stephens
Cameron	Goff	Mayfield	Swanson
Capper	Gooding	Metcalf	Trammell
Caraway	Hale	Neely	Tyson
Copeland	Harreld	Norbeck	Underwood
Couzens	Harris	Nye	Wadsworth
Cummins	Harrison	Oddie	Warren
Curtis	Heflin	Overman	Watson
Dale	Howell	Phipps	Weller
Deneen	Johnson	Pine	Wheeler
Dill	Jones, N. Mex.	Ransdell	Williams
Edge	Jones, Wash.	Reed, Pa.	Willis
Ernst	Kendrick	Robinson, Ark.	

Mr. PHIPPS. My colleague, the junior Senator from Colorado [Mr. MEANS] is detained on account of illness. I will allow this notice to stand for the day.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had further insisted upon its disagreement to the amendments of the Senate Nos. 46 and 62 to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes; had agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMTON, Mr. MURPHY, and Mr. CARTER of Oklahoma were appointed managers on the part of the House at the conference.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925;

H. R. 11203. An act to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;

H. R. 11308. An act authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; and

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress to be held at Philadelphia, Pa., August 23 to 28, 1926.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 549. An act for the relief of John H. Walker;

S. 2111. An act for the relief of Levin P. Kelly;

S. 2274. An act providing for the promotion of a professor at the United States Military Academy;

S. 2465. An act to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.;

S. 2763. An act to amend section 103 of the Judicial Code, as amended;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army;

S. 3287. An act relating to the purchase of quarantine stations from the State of Texas;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii;

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State;

H. R. 9685. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia;

S. J. Res. 30. Joint resolution authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

PAN AMERICAN CONGRESS OF JOURNALISTS

The VICE PRESIDENT. The Chair lays before the Senate a resolution adopted by the Pan American Congress of Journalists that has been transmitted to the Senate by the Director General of the Pan American Union, which the clerk will read.

The resolution was read and ordered to lie on the table, as follows:

Resolution Adopted by the Pan American Congress of Journalists

The Pan American Congress of Journalists adopts a vote of thanks to the Congress of the United States of America for the reception of the delegates and for the generous words of welcome pronounced in both Houses.

PETITIONS AND MEMORIALS

Mr. CAPPER presented a memorial of sundry citizens of Cherokee, Kans., remonstrating against the modification or nullification of the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the Woman's Relief Corps, of Ellsworth, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans, their widows and dependents, which was referred to the Committee on Pensions.

Mr. FRAZIER presented memorials signed by Mrs. S. H. Njaa and 20 other citizens of Northwood, Mrs. C. H. Hancock and 29 other citizens of Prosper, A. W. Payne and 42 other citizens of Milnor, and J. N. Loach and 51 other citizens of Fairmount, all in the State of North Dakota, remonstrating against modification of the eighteenth amendment to the Constitution or the Volstead Act, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. ODDIE, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., reported it with an amendment.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 3701) for the relief of David McD. Shearer, reported it without amendment and submitted a report (No. 649) thereon.

Mr. WILLIS, from the Committee on Immigration, to which was referred the bill (S. 2770) to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto, reported it without amendment and submitted a report (No. 650) thereon.

Mr. FESS, from the Committee on Printing, to which was referred the concurrent resolution (S. Con. Res. 12) to provide for the printing of the Constitution of the United States, as amended, to April 15, 1926, together with the Declaration of Independence, as a Senate document, reported it with amendments.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 549. An act for the relief of John H. Walker;

S. 2274. An act providing for the promotion of a professor at the United States Military Academy;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.;

S. 2763. An act to amend section 103 of the Judicial Code as amended;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army;

S. 3287. An act relating to the purchase of quarantine stations from the State of Texas;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii;

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McMASTER:

A bill (S. 4047) granting an increase of pension to Francis B. O'Brien; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4048) to amend paragraph 2 of section 7 of the farm loan act; to the Committee on Banking and Currency.

A bill (S. 4049) granting an increase of pension to Mary Mince (with accompanying papers); and

A bill (S. 4050) granting an increase of pension to Ella E. Hale (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4051) to establish a bureau of school hygiene in the health department of the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 4052) authorizing James L. Borroum and Francis P. Bishop to bring suits in the United States District Court for the State of Kansas for the amount due or claimed to be due to said claimants from the United States by reason of the alleged inefficient and wrongful dipping of tick-infested cattle, and giving said United States District Court for the State of Kansas jurisdiction of said suit or suits; to the Committee on Claims.

By Mr. JONES of New Mexico:

A bill (S. 4053) to create a commission to collect and publish the records of American women in war; to the Committee on Education and Labor.

A bill (S. 4054) to extend the oil leasing act to the Zuni district of the Manzano National Forest; and

A bill (S. 4055) to authorize the Secretary of the Interior to issue patents for lands held under color of title; to the Committee on Public Lands and Surveys.

By Mr. OVERMAN:

A bill (S. 4056) to amend section 98 of the Judicial Code as amended; to the Committee on the Judiciary.

By Mr. DILL:

A bill (S. 4057) for the regulation of radio communications, and for other purposes.

Mr. DILL. This bill is intended as a substitute for the White bill, which passed the House some time ago. I move that the bill be referred to the Committee on Interstate Commerce.

The motion was agreed to.

By Mr. HOWELL:

A bill (S. 4058) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. NORBECK:

A bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4060) authorizing the construction at United States Veterans' Bureau Hospital No. 48, at Atlanta, Ga., of additional modern sanitary fireproof buildings, and other facilities; to the Commitee on Public Buildings and Grounds.

By Mr. CAPPER:

A joint resolution (S. J. Res. 97) providing armory facilities for the National Guard of the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. CAMERON:

A joint resolution (S. J. Res. 98) to authorize the temporary maintenance of drift fences on the public lands; to the Committee on Public Lands and Surveys.

AMENDMENTS TO PUBLIC BUILDINGS BILL

Mr. STANFIELD submitted two amendments intended to be proposed by him to House bill 6559, the public buildings bill, which were ordered to lie on the table and to be printed.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by title and referred to the Committee on Foreign Relations:

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925;

H. R. 11203. An act to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;

H. R. 11308. An act authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; and

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress to be held at Philadelphia, Pa., August 23 to 28, 1926.

SETTLEMENT OF CZECHOSLOVAK REPUBLIC DEBT

The VICE PRESIDENT. The Chair lays before the Senate bills from the House of Representatives.

The bill (H. R. 6777) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America was read twice by its title.

Mr. SMOOT. Mr. President, I ask unanimous consent that Calendar No. 3, the bill (S. 1134) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America, a bill exactly similar to the House bill just laid before the Senate, be indefinite postponed, and that the House bill be placed upon the calendar as Order of Business No. 3 in its place.

Mr. BRUCE. Mr. President, what is the request?

The VICE PRESIDENT. The Senator from Utah asks that a House bill be substituted for a Senate bill on the calendar.

Mr. ROBINSON of Arkansas. The Senator is proposing now to indefinitely postpone the Senate bill?

Mr. SMOOT. I ask that it be indefinitely postponed.

Mr. ROBINSON of Arkansas. Is it identical with the House bill?

Mr. SMOOT. Word for word.

Mr. ROBINSON of Arkansas. I shall not make any objection, but I suggest to the Senator that when the House bill is ready for consideration we might proceed with that bill and, when it is disposed of, indefinitely postpone the Senate bill. However, if the Senator desires to proceed the other way, I have no objection.

Mr. SMOOT. I think it would be better to proceed as I have suggested.

The VICE PRESIDENT. Without objection, House bill 6777 will be substituted on the calendar for Senate bill 1134 and Senate bill 1134 will be indefinitely postponed.

SETTLEMENT OF ESTHONIAN DEBT

The bill (H. R. 6775) to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America was read twice by its title.

Mr. SMOOT. I ask that the House bill be substituted on the calendar as Order of Business No. 4 for the bill (S. 1135) to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America, and I ask that Senate bill 1135 be indefinitely postponed.

The VICE PRESIDENT. Without objection, that order will be made.

SETTLEMENT OF LATVIAN DEBT

The bill (H. R. 6776) to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America was read twice by its title.

Mr. SMOOT. I ask unanimous consent that House bill 6776 be substituted on the Senate calendar for Order of Business No. 7, the bill (S. 1138) to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America, and that Senate bill 1138 be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

SETTLEMENT OF RUMANIAN DEBT

The bill (H. R. 6772) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America was read twice by its title.

Mr. SMOOT. I ask unanimous consent that House bill 6772 be substituted on the Senate calendar for Order of Business No. 8, the bill (S. 1139) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America, and that Senate bill 1139 be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

SETTLEMENT OF ITALIAN DEBT

Mr. SMOOT. I ask unanimous consent that Order of Business No. 5, the bill (S. 1136) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KING. Mr. President, I made no objection to the request of my colleague, because I hoped that he would not bring up for consideration any of the bills from the House this morning. The Senator from Missouri [Mr. REED] has been compelled to be in attendance on a committee and will not be here before 2 o'clock. He wanted to be here when the other measures were taken up; so I did not object to the request of my colleague, hoping that he would not press for consideration of the other bills until after 2 o'clock. I promised the Senator from Missouri that I would present the matter to the Senate.

Mr. ROBINSON of Arkansas. I understand that it is expected that the committee of managers from the House of Representatives will present resolutions of impeachment to-day.

Mr. SMOOT. At 2 o'clock; and that will take only about an hour. Do I understand my colleague to ask that we do not take up House bill 6774, for the settlement of the Belgian debt, which was made the unfinished business last night?

Mr. KING. Yes; I make the request that none of the measures to which attention has just been called be taken up until after 2 o'clock. The Senator from Missouri [Mr. REED] is compelled to be in attendance upon the Appropriations Committee. I have no objection, speaking for myself, to taking up these measures after 2 o'clock.

Mr. SMOOT. Then I ask unanimous consent that the Senate proceed to the consideration of the bill H. R. 6559, for the construction of certain public buildings, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. HARRISON. I object.

The VICE PRESIDENT. Objection is made.

Mr. SMOOT. I am trying to accommodate the Senator from Missouri [Mr. REED] and every other Senator.

Mr. KING. I appreciate that.

THE CALENDAR

Mr. SMOOT. Mr. President, I move that we proceed until 2 o'clock with the call of the calendar under Rule VIII and consider bills to which there is no objection, beginning where we left off the last time the calendar was called. That is about the only thing we can do under the circumstances.

The motion was agreed to.

Mr. ROBINSON of Arkansas. What is the number at which consideration is to begin?

The VICE PRESIDENT. Order of Business 480. The clerk will state the first order of business.

BILL PASSED OVER

The bill (S. 6) for the relief of Addison B. McKinley was announced as first in order.

Mr. KING. Let the bill go over.

Mr. WILLIS. Will not the Senator from Utah permit the bill to go over without prejudice?

Mr. KING. Yes.

The VICE PRESIDENT. The bill will be passed over without prejudice.

BATHING BEACHES IN DISTRICT OF COLUMBIA

The bill (H. R. 6556) for the establishment of artificial bathing pools or beaches in the District of Columbia was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire of the Senator in charge of the bill—I assume the Senator from New York [Mr. COPELAND] is in charge of the bill—where the bathing pools are to be located?

Mr. COPELAND. The exact location has not yet been determined, but it will be on property owned by the District.

Mr. ROBINSON of Arkansas. On what water?

Mr. COPELAND. The Potomac River.

Mr. OVERMAN. Let the bill be read.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill.

Mr. OVERMAN. I think the bill had better go over. The sum of $345,000 is too much money to appropriate for this purpose.

Mr. BRUCE. Mr. President, I should like to ask the Senator from New York whether the bill draws any distinction between white and colored people in the use of the proposed bathing pools?

Mr. COPELAND. It does. Two pools are provided for, the one for the colored people being one-half the size of that for the white people. Let me say to the Senator from North Carolina [Mr. OVERMAN] that this bill has been given very careful consideration.

Mr. OVERMAN. But there is nothing in the bill which provides that there shall be separate pools for white and colored persons.

Mr. COPELAND. If the Senator from North Carolina will read the report on the bill, I think his objection will be met.

Mr. OVERMAN. The report seems to be all right, but I am talking about the bill.

Mr. COPELAND. The bill provides for two entirely separate pools, one for the white people with a capacity for 2,000 bathers and one for the colored people with a capacity for 1,000 bathers. The bathers are not to go into the Mirror Pool. This bill was given such thorough study by the District Committee I hope there will be no objection to its passage. I think it should be passed as soon as possible, because if we are to get any benefits from the bathing pools this year the construction ought to begin at once.

Mr. OVERMAN. Why should it cost $345,000 to construct these pools? That is an enormous amount of money to appropriate for bathing pools.

Mr. COPELAND. The pools provided for are very large.

Mr. OVERMAN. Are these pools to be like the bathing pools of Rome?

Mr. COPELAND. No. The District Committee realized that there was not enough money in the United States to build pools such as those. These are to be built of concrete.

Mr. OVERMAN. I think the bill had better go over and we can confer about it.

Mr. COPELAND. I may say that I have the assurance of the Commissioners of the District of Columbia that there is in contemplation the separation of the two races in the use of the bathing facilities.

Mr. OVERMAN. I know the Senator from New York is all right; I have every confidence in him; but he will not have the authority to construct these pools and arrange for the bathing; that will be a matter which will be left to the Commissioners of the District of Columbia. There ought to be some language in the bill requiring that the pools be separate.

Mr. COPELAND. If the Senator from North Carolina has confidence in the Senator from New York, who happens to be chairman of the subcommittee on health of the District Committee, let him evince that confidence by relying on the Senator from New York to see that what he suggests is brought about; and if there shall be any hesitation upon the part of the District authorities, I will promise the Senator to bring the matter to the attention of the Senate.

Mr. OVERMAN. After the bill shall become a law, what would be the use of bringing the matter to the Senate? What can the Senator from New York then do? Mr. President, I think I will ask that the bill may go over for the present.

The VICE PRESIDENT. Being objected to, the bill goes over.

Mr. COPELAND subsequently said: I ask unanimous consent to return to Order of Business 481, being the bill (H. R. 6556) for the establishment of artificial bathing pools or beaches in the District of Columbia. I have an amendment to offer which will meet the objection of my friend from North Carolina.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COPELAND. I offer an amendment, on page 1, line 8, after the words "District of Columbia" and the comma, to insert "one for the white race and the other for the colored race."

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The CHIEF CLERK. On page 1, line 8, after the words "District of Columbia" and the comma, it is proposed to insert the words "one for the white race and the other for the colored race," so as to make the bill read:

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to locate and construct, subject to the approval of the National Capital Park Commission, and to conduct and maintain two artificial bathing pools or beaches in the District of Columbia, one for the white race and the other for the colored race, with suitable buildings, shower baths, lockers, provisions for the use of filtered water, purification of the water, and all things necessary for the proper conduct of such pools or beaches. The Commission of Fine Arts shall be consulted as to the location and construction of said pools or beaches. The cost of these pools or beaches, with buildings and equipment, shall not exceed $345,000, and the appropriation of such sum for the purposes named is hereby authorized. No part of the sums appropriated for the purposes of this act shall be expended in the purchase of land and the pools or beaches herein provided for shall be located upon lands acquired or hereafter acquired for park, parkway, or playground purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 3641) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, was announced as next in order.

Mr. BINGHAM. On behalf of the Senator from Missouri [Mr. WILLIAMS], I ask that that bill may go over without prejudice.

The VICE PRESIDENT. The bill will go over without prejudice.

RETIREMENT OF DISABLED WORLD WAR OFFICERS

The bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War was announced as next in order.

Mr. KING. Let that bill go over.

Mr. TYSON. Mr. President, I desire to say that that bill has been on the calendar for some time, and I now wish to give notice that I shall ask for its consideration at an early day.

HOME CARE FOR DEPENDENT CHILDREN

The bill (H. R. 7669) to provide home care for dependent children was announced as next in order.

Mr. BRUCE. Let that bill go over.

The VICE PRESIDENT. The bill will go over under objection.

Mr. CAPPER. Mr. President, that bill has been on the calendar now for many weeks. I am very anxious to secure action upon it at as early a date as possible.

Mr. BRUCE. Does the Senator from Kansas desire me to withdraw my objection to the bill

Mr. CAPPER. It is the mothers' aid bill for the District of Columbia.

Mr. BRUCE. I withdraw my objection.

Mr. KING. I am for the bill, as I understand it, but the senior Senator from New York [Mr. WADSWORTH], I think, is very much opposed to it. I do not like to take advantage of his absence, though, as I have stated, I am for the bill.

Mr. CAPPER. I think the Senator from New York is opposed to the bill.

Mr. BRUCE. We should not take the bill up in the absence of the senior Senator from New York.

Mr. KING. I have stated that I am for the bill.

Mr. CAPPER. I was not aware that the Senator from New York was absent.

The VICE PRESIDENT. Being objected to, the bill goes over.

Mr. WADSWORTH subsequently said: Mr. President, I am informed that Order of Business No. 495, being the bill (H. R. 7669) to provide home care for dependent children, was passed over owing to my absence from the Chamber a few moments ago. I did not realize that the calendar had been taken up or I should have been present. I have consulted with the Senator from Kansas [Mr. CAPPER], and it is entirely agreeable to him that I make the request that the Senate recur to that bill and that it be considered now.

The VICE PRESIDENT. Without objection, the Senate will recur to Order of Business No. 495.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. Is debate limited to five minutes?

The VICE PRESIDENT. The Senate is proceeding with the call of the calendar under Rule VIII, and debate is limited to five minutes.

Mr. BORAH. Mr. President, does the Senator think that we can consider this bill under the five-minute rule?

Mr. WADSWORTH. I should like to experiment with it under the five-minute rule.

Mr. BORAH. I do not think we will gain anything by undertaking to consider it under that rule. It is a very important bill and it will take more time to consider it than can be given to it under Rule VIII. I have no objection to it being taken up in order that the Senator from New York may speak, but I do not think it can be acted upon now unless unanimous consent can be given to allow more time to its consideration.

The VICE PRESIDENT. The time can be extended upon motion, and the five-minute rule abrogated.

Mr. EDGE. Mr. President, would it not be of advantage, and put the bill that far ahead, if under the five-minute rule the Senator from New York could explain at least the amendments which he has in mind and his objection to the bill as it stands?

Mr. WADSWORTH. Mr. President, may I attempt an explanation, at least, under the five-minute rule?

Mr. BORAH. Mr. President, before the Senator does that I do not want to be understood as waiving any objection to sending the bill over. I am familiar with the bill to some extent, and I am satisfied we can not discuss it and consider it properly in the time limited. I have no objection to the Senator making his explanation; but in the event that we can not dispose of it under the five-minute rule, I do not want to be understood as waiving my objection.

Mr. WADSWORTH. Certainly not.

Mr. BRUCE. Mr. President, of course I will be compelled to ask that the bill go over. It is a very important bill, as the Senator knows, and it involves very sharp differences of opinion. I think what we ought to do is to have a unanimous-consent agreement with reference to it and have it set down for consideration on some particular day.

Mr. WADSWORTH. Nothing would please me better, and I am sure nothing would please the Senator from Kansas [Mr. CAPPER] better than that.

Mr. BRUCE. That is what I understood.

Mr. WADSWORTH. It is very difficult, in view of the situation which has existed during the last month, and which probably will persist for two or three weeks more, to get at this bill, and it should be acted upon. The only hope of consideration is in the morning hour on some day. I hesitate to make the motion to proceed to the consideration of the bill now, because I know that many Senators are interested in other bills upon the calendar which they desire disposed of practically by unanimous consent. That being the case, Mr. President, I can see that it would be quite useless to indulge in a discussion of the measure, but I hope to consult with the Senator from Kansas and the Senator from Maryland and ascertain if we can not get action on this bill.

Mr. BRUCE. I think we can arrange it. I will be only too glad to have that done.

Mr. WADSWORTH. There is only one point at issue, and it is purely a question of administration. The principle back of the bill arouses no difference of opinion, I think.

Mr. BRUCE. I will be very glad to have an agreement entered into for the consideration of the bill and also limiting the time of discussion on it.

The VICE PRESIDENT. Under objection the bill will go over.

AMENDMENT OF GENERAL LEASING ACT

The bill (H. R. 7372) to amend section 27 of the general leasing act, approved February 25, 1920 (41 Stat. L. p. 437), was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LA FOLLETTE. Let the bill be read, please, Mr. President.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk proceeded to read the bill.

Mr. SMOOT. Mr. President, my attention has just been called to this bill, and I have not even had an opportunity to

read the report. I should like to have it go over to-day in order that I may be able to read the report.

Mr. JONES of New Mexico and Mr. STANFIELD addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, I have no special interest in this bill, but I believe if the Senator from Utah understood it he would make no objection to its passage.

Mr. SMOOT. As I have said, I have not had time to read the report on the bill.

Mr. JONES of New Mexico. I can state in a few words the purpose of the bill. Under the general leasing act of 1920 it is provided that no person shall have more than three leases in any one State. That has been construed to mean even if a lease consisted of only 20 acres or 40 acres, that such a lease shall constitute one-third of the right to lease in the State. This bill is intended to amend the law so as to carry into effect the original intention, that the lessee might in any given State have three leases of 2,560 acres each, and the bill bases the amount of land which can be held under leases in a State on area instead of on the number of leases. That is the only change the bill makes.

Mr. BORAH. From what committee does the bill come?

Mr. JONES of New Mexico. From the Committee on Public Lands and Surveys.

Mr. BORAH. Has the bill been unanimously reported?

Mr. JONES of New Mexico. The bill has been unanimously reported, I may say to the Senator.

Mr. SMOOT. I withdraw my objection.

Mr. ROBINSON of Arkansas. Does the bill propose to make any other change in existing law than that with reference to the acreage which may be embraced in the leases?

Mr. JONES of New Mexico. It makes no change except that instead of the number of leases which may be held in a State it fixes the number of acres to conform to what was the original intention of the act of 1920.

The VICE PRESIDENT. Does the Senator from Wisconsin desire the further reading of the bill?

Mr. LA FOLLETTE. No, Mr. President; I am satisfied with the explanation which has been given.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 27 of the general leasing act approved February 25, 1920 (41 Stat L. p. 437), is hereby amended to read as follows:

"That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage 2,560 acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate 7,680 acres granted hereunder in any one State, and not more than 2,560 acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this act, or which together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal or to increase the acreage which may be acquired or held under section 17 of this act: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF WILLIAM FRIES

The bill (H. R. 962) for the relief of the estate of William Fries, deceased, was announced as next in order.

Mr. DENEEN. Mr. President, I ask unanimous consent that that bill may be recommitted to the Committee on Claims, in view of certain information which has been submitted to the committee.

The VICE PRESIDENT. Without objection, the bill will be taken from the calendar and recommitted to the Committee on Claims.

ADDITIONAL JUDGE FOR WESTERN DISTRICT OF NEW YORK

The bill (S. 1490) to provide for the appointment of an additional judge of the district court of the United States for the western district of New York was announced as next in order.

Mr. COPELAND. Mr. President, I interposed an objection to this bill the last time it was reached on the calendar. I have since discussed the matter with my colleague and we have gone over the bill together. I am in full accord with it and so wish to withdraw the objection which I have interposed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The Chair is informed that on April 10 last the amendment reported by the committee was agreed to.

Mr. KING. Mr. President, let me ask the Senator whether the situation calls for an additional judge? We have been creating them not by the pairs, but 25 additional judges were created a short time ago, and now we are about to lift the floodgates and create a large number of additional judicial districts and appoint additional judges.

Mr. WADSWORTH. Mr. President, this bill provides for an additional judge for the western district of New York, Not within my knowledge has any suggestion been made for an additional judge in that district until the last four or five years, during which period the situation has become exceedingly acute.

The district is growing in population very rapidly. It includes the city of Buffalo and the manufacturing towns up and down the Niagara frontier. It includes the city of Rochester, and, as I recall, 14 populous counties. There is but one judge there now.

It is the universal opinion of the members of the bar that the Federal district judge in that district at present is terribly overworked. I think I have never known a public officer so driven as is Judge Hazel, of the western district of New York. Literally, he never gets a day off. The court is having extraordinary difficulty in keeping up with its docket. Of course, the number of cases has increased tremendously. We must remember that the western district of New York is on the frontier, as it were, the Canadian border, marked by the Niagara River. The complications there with respect to the enforcement of the prohibition law and the narcotic law are acute beyond the average. There is a letter, made a part of the report of the Judiciary Committee, written by Judge Hazel himself; and I may say that in addition to that the United States attorney of that district, Mr. Templeton, also wrote a letter, which I handed to the chairman of the Judiciary Committee, confirming what Judge Hazel says.

I call the attention of the Senator from Utah to Judge Hazel's letter, which is found in the report. He says, in part:

Even before prohibition there was always considerable criminal business, and that, added to the common-law cases, patents, and admiralty pretty well filled up the time of the court; but since the

national prohibition act passed nearly three weeks of each term of court are taken up with the disposal of cases of that description, including, of course, smuggling liquor cases now and then. United States Attorney Templeton informs me that there are about 1,500 liquor cases on the docket wherein pleas of not guilty have been entered—cases that ought to be tried speedily—and there are thought to be about 600 pending before the United States commissioners in which informations are to be filed. In this district there are six terms of court held in different localities—two regular terms at Buffalo, one at Rochester, Canandaigua, Elmira, and Jamestown, and it happens not infrequently that one term of court continues until another commences.

One can see from that statement the pressure under which the Federal judge is placed in this situation.

Special terms for trial of criminal cases have been held by judges from New York, Vermont, and New Hampshire at different times while I was engaged in civil work. It is not only the trial of prohibition cases but arraignments to plead, which occur frequently, and motions to quash search warrants for illegal searches and seizures, and motions to return automobiles unlawfully seized, which take up considerable time.

I may interpose there the observation, which I think the Senator from Utah will understand, that in a very large degree we have converted our Federal courts into police courts.

These matters mostly come up each week on the regular motion day, but they are often continued to other days for one reason or another. This, of course, tends to delay other trials and decisions. In patent cases, for example, testimony is taken in open court and often a week or two are required for these hearings. And so it is with admiralty—most of my time during the month of February having been given up to the latter.

I think it should be understood, also, that the Department of Justice recommended an additional judge several years ago, and so has the conference of circuit judges, held at Washington last September, and bar associations throughout the district have passed resolutions asking for the appointment of an additional judge for the western district.

I have been reading from the letter of Judge Hazel. I have also received a letter from the presiding judge of the circuit court of appeals of the district urging very strongly that relief be granted to the western district of New York. The Judiciary Committee has examined into the matter very carefully and has reported this bill, I believe, unanimously.

Mr. BRUCE. Mr. President, I wish merely to say to the Senator from Utah that there is nothing exceptional or unusual about this application of the Senator from New York for the appointment of another judge in his State. There is pending at the present time a very considerable number of similar applications, and so far as I have been able to ascertain the necessity for those applications has been brought about wholly or in the main by the workings of the Volstead Act.

Of course, whatever we may think of the Volstead Act, I conceive it to be our duty, so long as that act is upon the statute books, to see that there is the proper number of judges to administer its provisions. Nobody would have anything but a feeling of contempt for the President of the United States or for any executive or judicial official of the United States who did not discharge the full measure of his duty in relation to that act as to every other Federal act.

It so happens that I find myself in the same situation as the Senator from New York. An application has been made by the present Federal judge of the district of Maryland—Judge Soper, a very able, faithful, and conscientious judge—for the appointment of an associate. He finds that cases arising under the Volstead Act have assumed such large proportions that he is unable unaided to dispose of the business of his court. He is, I believe, a year and a half behind with his calendar, and in a recent letter written to the senior Senator from Tennessee [Mr. McKELLAR] he states that one-half of all the time of his court might be properly devoted to the hearing of cases arising under the Volstead Act alone. So, feeling that it was but due to him and to the administration of justice that he should have all the judicial assistance that his office required, I, too, as the chairman of the Senate Judiciary Committee knows, made an application for the appointment of an additional judge for the district of Maryland under precisely the same circumstances as those under which the Senator from New York is making his application.

I should like to add in this connection that if any Member of the Senate has any curiosity about the exigencies as respects the services of judges created by the practical workings of the Volstead Act, all he has to do is to look at a series of letters, recently published in the CONGRESSIONAL RECORD, addressed to the senior Senator from Tennessee [Mr. McKELLAR] by judges in different portions of this country, telling just how far they were overburdened by business imposed upon them by the administration of the Volstead Act. Indeed, it is a very interesting fact that in one case the responsibilities imposed upon a judge—the judge of the district of Minnesota—by that act proved so onerous that he took his own life, leaving behind him a note saying that he had hoped to be able to end all the liquor and narcotic cases before him, but that he had found that they had ended him.

But, as I say, we have no choice. Law is law in the courts if nowhere else. Whoever else may disregard it, it can not be disregarded by its own ministers. Therefore, I hope that in the light of the considerations that I have suggested, if no others, this bill will receive the approval of the Senate.

Mr. CUMMINS. Mr. President, as chairman of the Judiciary Committee I think I ought to say that we have given this and all other cases in which bills have been introduced for additional judges the most careful consideration; and our course is determined by the state of the business in the particular district.

In the western district of New York it is utterly impossible for any judge to do the business that comes before that court for disposition. The cases are accumulating from month to month and from year to year, and it is such a denial of justice as shocks the moral sense of anyone who examines the situation. We will have to add a great many judges if we intend to administer the laws as they are now before us. There is no doubt whatever about the great and pressing need of an additional judge in the western district of New York.

Mr. KING. Mr. President, I hope the chairman of the Judiciary Committee will report a bill repealing a multitude of little petty cases that are denominated misdemeanors and come within the cognizance of Federal control, and I hope that he will oppose a lot of the bills before us that create more Federal offenses.

Mr. CUMMINS. I am very much in favor of restricting some of the jurisdiction of district judges; but, even if we did that, if we went to any length that it is reasonable to suppose we will go, there nevertheless is still a necessity for additional district judges, but not altogether on account of the Volstead Act. It is because of the accumulation, the development, the growth of business in the United States.

The VICE PRESIDENT. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COTTON AND GRAIN FUTURES

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. RANSDELL. Let that go over.

Mr. CARAWAY. Mr. President, I hope the Senator from Louisiana will agree that at some near date this matter may be considered.

Mr. RANSDELL. I shall be very glad to discuss the matter at any date in the future we can agree on.

Mr. CARAWAY. Would the Senator have any objection to the bill being taken up for consideration immediately after the disposition of the public buildings bill?

Mr. RANSDELL. I do not know that I would like to agree to that. I do not want to interfere with the program here. Personally, I would not have any special objection. I will say to the Senator from Arkansas that I shall be very glad to get a vote on this proposition. I want to discuss it quite fully. I think it is going to take a good while to discuss it.

Mr. CARAWAY. I will discuss it with the Senator, then, without delaying the business of the Senate, because I want to get some kind of action on it soon.

Mr. RANSDELL. I will say to the Senator that I shall be very glad indeed to have it discussed and voted on.

Mr. CARAWAY. Very well.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

NICK MASONICH

The bill (S. 2348) for the relief of Nick Masonich was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the general manager of the Alaska Railroad is hereby authorized and directed to pay, out of the appropriations for said railroad, to be reimbursed by transfer of funds from the United States employees' compensation fund, to Nick Masonich, who was disabled by personal injury sustained while in the performance of his duty as a member of a station gang employed by the Alaskan Engineering Commission, the respective monthly amounts that would have been allowable under provisions of the United States employees' compensation act had he been an employee of said commission receiving wages at the rate of $100 per month at the time of injury.

Mr. WHEELER. Mr. President, I will state for the benefit of the Senate that this bill was introduced by my colleague [Mr. WALSH], asking that this man, Masonich, should be allowed to come under the compensation act. He was injured while employed on the Alaska Railroad as a workman, and the compensation board held that he did not come strictly within the meaning of the term because of the fact that he contracted to do some of the work that he was doing rather than to be on day's pay; but the reason why the work was let out in that way was so that they would get more work out of the workmen. He was to all intents and purposes a workman working upon this railroad, just the same as if he had been getting his day's pay, and this is simply to avoid a strict legal interpretation placed upon it. This man lost both of his eyes in a blast, and was otherwise seriously injured; and all we are asking is that he be allowed to come under the general act allowing compensation in such cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SACAJAWEA, OR BIRD WOMAN

The joint resolution (S. J. Res. 19) authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman, was announced as next in order.

Mr. KENDRICK. Mr. President, the joint resolution is intended to provide a monument for the famous Indian woman who acted as interpreter for the Lewis and Clark expedition. Recently there has been some controversy raised as to the burial place of Sacajawea, and I therefore ask that the joint resolution be recommitted to the Committee on Indian Affairs, so that further investigation may be made.

The VICE PRESIDENT. Without objection, the joint resolution will be recommitted.

ROYALTIES ON PRODUCTION OF MINERALS

The bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was announced as next in order.

Mr. WILLIS. That is a rather important bill, and I notice the chairman of the committee, having charge of this, is not present. I suggest that it be passed over.

The VICE PRESIDENT. The bill will be passed over.

TRANSPORTATION OF POISONS THROUGH THE MAILS

The bill (S. 2657) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was announced as next in order.

Mr. FRAZIER. Mr. President, this bill provides for a slight amendment to the present law. On page 2, lines 17 to 22, it reads:

Provided further, That poisons prepared for use as disinfectants, fungicides, germicides, or insecticides, or for the destruction of rodents or other animal pests, when packed in containers according to the specifications of the Postmaster General, shall be accepted for mailing.

The Department of Agriculture recommends this bill, and the various farm organizations recommend it very highly. The Postmaster General makes no particular objection. The type of containers is left entirely to the discretion of the Postmaster General. We had a hearing on the bill, reported it favorably, and I believe it would be of great benefit to the farmers, especially in the sparsely settled districts of the Middle West and the West, and also to fruit growers.

Mr. BINGHAM. I would like to ask the Senator whether I am correct in my understanding that the only new part of the bill is on page 2, lines 17 to 22?

Mr. FRAZIER. That is all.

Mr. BINGHAM. I have received objection from certain retail merchants, those who run country stores, stating that they feared that this bill would prevent them selling certain articles containing poison, and would compel people to go to drug stores.

Mr. FRAZIER. I do not believe that objection is valid. This simply is to allow certain articles to be sent through the mail by parcel post.

Mr. BINGHAM. Then there is no more restriction than there was before?

Mr. FRAZIER. No further restriction. As the Senator will notice a little higher up on the same page, in lines 11 and 12, certain poisons can now be mailed by manufacturers thereof or dealers therein "to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians." This simply provides that they may be mailed to other people as well who use these articles.

Mr. KING. Mr. President, I would like to ask the Senator how much this supplements existing law, and whether or not, in his opinion, dangers are not to be apprehended from the use of the mail for carrying the kinds of poisons covered in this bill?

Mr. FRAZIER. I did not get the first part of the Senator's question.

Mr. KING. To what extent does this bill modify or change existing law?

Mr. FRAZIER. Just to the extent that is provided in lines 17 to 22 on page 2. Most of these articles may be sent through the mails now by wholesalers to physicians and dealers. They may be sent through the mail by parcel post.

Mr. KING. The Senator thinks it wise to permit the use of the mail for the transmission of poisons of various kinds, arsenical and other kinds, poisons of the most virulent character?

Mr. FRAZIER. The last part of the bill states that the container must be approved by the Postmaster General. In the hearings containers were brought before the committee, and they have been put through various tests. They stood the usual tests and some unusual tests.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 2, after line 18, to insert the words "or for the destruction of rodents or other animal pests," so as to make the bill read:

Be it enacted, etc., That section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be amended to read as follows:

"SEC. 217. That all kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable material, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, composition, or materials, of whatever kind, which may kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier: *Provided*, That the Postmaster General may permit the transmission in the mails from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians, under such rules and regulations as he shall prescribe, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided further*, That poisons prepared for use as disinfectants, fungicides, germicides, or insecticides, or for the destruction of rodents or other animal pests, when packed in containers according to specifications of the Postmaster General, shall be accepted for mailing: *Provided further*, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable, and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY STATUS OF UNITED STATES ARMY CHAPLAINS

The bill (S. 3284) to amend a portion of section 15 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, was announced as next in order.

Mr. KING. Let that go over.

Mr. WADSWORTH. Will not the Senator withhold his objection just for a moment? I think I can explain this bill.

Mr. KING. I will do so.

Mr. WADSWORTH. At first reading the bill may seem to bring about some very drastic changes in the matter of the rank of chaplains of the Army. As a matter of fact, the changes are very slight. The purpose of the bill is to put chaplains in the Army on exactly the same basis as the Medical Corps and the Dental Corps and Veterinary Corps in the matter of rank. Rank in those corps is covered by length of service. The chaplains have a little less favorable consideration than the others. This puts them on exactly the same basis with the other noncombatant professional branches. The annual cost incident to the enactment of this legislation will be only $6,600.

Mr. KING. I am familiar with the bill, and I know the objects of it. When I was a member of the Naval Affairs Committee I opposed this purpose to give pharmacists and veterinarians and chaplains the rank of admirals. I have objected to this plan, which has become, of course, a fixed one, and I do not expect my objection to change the accepted order of making dentists and veterinarians and chaplains officers, giving them rank and advancing them from time to time in the military ranks which are provided by law. I know it is the established order and my objections do not carry any weight, but I think it is unwise, I think it is unnecessary, and I wish we could resort to this question de novo, and draw a bill that would let fighting men get the ranks, and let those who are civilians and noncombatants get their compensation, but serve as noncombatants and civilians, instead of being admirals and generals and colonels and captains and majors, when they are horse doctors or chemists, or when they pray. Probably the chaplains deserve more consideration than the horse doctors.

Mr. WADSWORTH. This is to give the same relative rank to chaplains in the matter of length of service as is given to the other professional services, and I do not see how it can be denied, as a matter of simple justice. These men are with troops all the time. They must go where the troops go.

Mr. KING. I withdraw the objection, but I want the RECORD to show that I vote against the bill.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That that portion of section 15 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, reading as follows:

"Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than 5 years, first lieutenant; 5 to 14 years, captain; 14 to 20 years, major; over 20 years, lieutenant colonel. One chaplain, of rank not below that of major, may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for four years, and shall have the rank, pay, and allowances of colonel while so serving," be, and the same is hereby, amended to read as follows:

"Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than 3 years, first lieutenant; 3 years to 12 years, captain; 12 to 20 years, major; 20 to 26 years, lieutenant colonel; over 26 years, colonel. One chaplain, of rank not below that of major, may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for four years, and shall have the rank, pay, and allowances of a brigadier general while so serving."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE CONSTITUTION OF THE STATE OF NEW MEXICO

The joint resolution (S. J. Res. 46) giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect, was announced as next in order.

Mr. BRATTON. The junior Senator from Missouri [Mr. WILLIAMS] requested me two or three days ago to withhold action in this matter until he might investigate it. He is out of the Chamber at this time, and I ask that it go over without prejudice. If the Senator comes in during the call of the calendar, I shall ask that we return to it.

The VICE PRESIDENT. The joint resolution will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 750) to amend paragraph (18) of section 1 of the interstate commerce act, as amended, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Interstate Commerce with an amendment to strike out all after the enacting clause and to insert the following:

That paragraph (18) of section 1 of the interstate commerce act as amended is amended to read as follows:

"(18) After this paragraph takes effect no carrier by railroad subject to this act shall undertake the construction of an entirely new line of railroad unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity require or will require the construction and operation of such line of railroad, and no carrier by railroad subject to this act shall abandon all or any portion of a line of railroad, or the operation thereof, unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity permit of such abandonment; but no such certificate for the abandonment of any line of railroad, or any portion of any line of railroad located wholly within one State, or of the operation thereof, shall operate to relieve the carrier from also procuring such authority for such abandonment from that State as may be required by its laws."

SEC. 2. That paragraph (19) of section 1 of the interstate commerce act as amended is amended by striking out " or extended."

SEC. 3. That paragraph (20) of section 1 of the interstate commerce act as amended is amended by striking out " or extension thereof,".

Mr. MAYFIELD. Mr. President, I can explain this in just a word or two. This amendment was recommended by the subcommittee to meet the objections of the Senator from Iowa [Mr. CUMMINS]. As the bill is amended now it applies only to the extension of railroads that are in existence and not to any new construction whatever.

Mr. COUZENS. Do I understand the Senator to mean that this applies to a railroad wholly within a State?

Mr. MAYFIELD. No; anywhere.

Mr. COUZENS. It can be extended to roads engaged in interstate commerce?

Mr. MAYFIELD. Yes; I discussed that fully with the Senator from Iowa, and he said he thought it should be amended so as to permit railroads now in existence to make extensions anywhere. I accepted that amendment at his suggestion.

Mr. CUMMINS. Mr. President, of course the Interstate Commerce Commission has no jurisdiction save over a road that does an interstate business. The transportation act provides that in every case of extension or construction an application must be made to the Interstate Commerce Commission for the purpose of ascertaining whether it is necessary that it shall be done, whether it is wise. While I think that is a sound policy, so far as original undertakings are concerned, I can see no reason for securing the approval of the Interstate Commerce Commission for a mere extension of an existing road. Therefore I said to the Senator from Texas that not only would I not object to this amendment to the transportation act but that I was in favor of it. I think it ought to pass.

Mr. JONES of New Mexico. Mr. President, may I inquire if this changes the present law in any respect with regard to the building of a new railroad wholly within a State?

Mr. MAYFIELD. It does not affect new construction at all.

Mr. CUMMINS. Every railroad is within some State, and the jurisdiction of the Interstate Commerce Commission does

not depend upon the physical location of a particular railroad. It depends upon whether that railroad does or is intended to do an interstate business, and it may be said that there is not a railroad in the United States that does not carry goods that are in interstate commerce.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend paragraphs (18), (19), and (20) of section 1 of the interstate commerce act, as amended."

NAVAL RESERVE FORCE AND MARINE CORPS RESERVE

The bill (S. 3480) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

REMOVAL OF GATES AND PIERS

The bill (H. R. 54) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building was announced as next in order.

Mr. JONES of Washington. I ask that that may go over. Furthermore, I want to ask how that got on the calendar. It does not appear to have been reported by a committee and has not even been referred to a committee.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The Chair is informed by the clerk that the bill came over from the House and was placed on the calendar because of the fact that a similar bill had already been reported by the committee and placed on the calendar.

Mr. JONES of Washington. Has this bill been substituted for a Senate bill?

Mr. WILLIS. Mr. President, I think I can explain the situation. It has not been substituted, but there is a similar bill on the calendar. That is no doubt the reason why it was done. I do not recall specifically the circumstances, but that is undoubtedly why it was done, because the committee had already acted on a similar bill. Perhaps the Senator from Maine [Mr. FERNALD] can state the facts.

Mr. FERNALD. I do not know how it happens to be on the calendar, but there is a similar bill on the calendar at an earlier point.

The PRESIDING OFFICER. Calendar No. 443 is similar, but not identical.

Mr. JONES of Washington. I think the bill had better go to a committee.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee on Public Buildings and Grounds.

Mr. KING. Mr. President, I ask the Senator from Maine if he is not willing that it should go to the Committee on the District of Columbia. The District Committee is trying to look after District affairs.

Mr. FERNALD. These matters have always come from the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. The Chair will state that inasmuch as Order of Business No. 443 has been reported from the Committee on Public Buildings and Grounds, it is appropriate that this similar bill should be referred to the same committee.

Mr. KING. It does not necessarily follow. I think it ought to go to the Committee on the District of Columbia, where the Senator from Washington and others of us who are giving attention to the streets and buildings of the city will have something to say in regard to the propriety of the measure.

Mr. FERNALD. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. Objection is made. The question is on the motion of the Senator from Maine that House bill 54, authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building, be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

FEES FROM ROYALTIES ON INDIAN LANDS

Mr. HARRELD. Mr. President, I was unavoidably detained by the so-called prohibition committee when Order of Business 535, the bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands, was passed over. May I ask that we recur to that order of business?

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent to return to Calendar No. 535. Without objection, it is so ordered.

The bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed under such rules and regulations as he may prescribe, to collect a reasonable fee, not exceeding 3 per cent, from Indian lessors for moneys collected as royalties on production from the leasing of restricted Indian lands for mining purposes, the amounts collected to be covered into the Treasury subject to appropriation by Congress for necessary supervision in connection with the execution, development, and operation of leases: *Provided*, That no collection shall be made from Indian lessors where agency expenses are paid entirely from tribal funds.

Mr. JONES of New Mexico. Mr. President, I would like to inquire if there has not been a misprint in the bill. Did they not intend lessees rather than lessors? Is it intended to collect from the lessor or the lessee?

Mr. HARRELD. The fees are collected from royalties coming to Indian tribes. I will say to the Senator that in handling leases on properties, Executive-order lands, if we may call them that, or other lands belonging to Indians, there is a great deal of expense to the Government. The bill gives the Secretary of the Interior the right to levy a tax on the royalty that accrues in his hands from those lands in sufficient quantities, not exceeding 3 per cent, to cover the actual expense of making the leases and handling the matter of leasing.

Mr. JONES of New Mexico. Then the bill relates to cases where individuals become lessors in leasing lands under the supervision of the Interior Department.

Mr. HARRELD. Exactly so. It allows them a certain amount, not exceeding 3 per cent, for expenses incidental to the handling of the leases, and it relieves the Public Treasury to that extent.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN NEWSPAPERS

The bill (S. 2620) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828 of the Revised Statutes of the United States, to settle, adjust, and certify the following claims for advertising services rendered the Public Health Service, Treasury Department, namely, the claims of certain Chicago newspapers for advertising services rendered October 3, 1918, amounting in all to $2,894, under the appropriation "Suppressing Spanish influenza and other communicable diseases, 1919"; the claim of a Houston, Tex., newspaper, $65.17, and the claim of a New York newspaper, $30, for advertising services rendered between June and October, 1920, under the appropriations "Pay of personnel and maintenance of hospitals, Public Health Service, 1920," and "Maintenance, marine hospitals, 1921."

Mr. KING. Mr. President, is there a report accompanying the bill?

Mr. BAYARD. I think I can explain the bill. The bill is to aid certain newspapers who printed advertisements at the request of the Federal Government. When the time came for payment it seemed that conditions precedent had not been complied with which required certain notice to be given to and permission obtained from the Secretary of the Treasury.

The first item was for the publication by the Federal Government of an advertisement in regard to the "flu" epidemic, and others in regard to sanitary arrangements conducted by the Federal Government. In each case the Federal Government got full consideration and in each case the money was in the Treasury, but because of this technical requirement of notification before hand, it could not be paid to the claimants. In each case the money was turned back to the Federal Treasury. The Government has lost nothing, but obtained full benefit from the advertisement. I trust the Senator realizes the situation, as it was explained two years ago and again last year. A similar bill has passed this body twice.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOMS BUILDINGS IN PORTO RICO

The bill (H. R. 9831) to provide for the completion and repair of customs buildings in Porto Rico was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the completion and repair of customs buildings in Porto Rico, under allotments provided by the acts of Congress approved January 10, 1920, and June 7, 1924, respectively, the sum of $7,700, and that he be, and is hereby, authorized and directed to pay Contractor Antonio Higuera the sum of $1,826.80 for extra work performed in addition to the amount of money available under allotment provided by the act of January 10, 1920, and that he be likewise authorized and directed to reimburse said contractor the sum of $300 for balance due him for furnishing labor, equipment, and materials to test foundations before building the new customhouse at San Juan, P. R., act of January 10, 1920, all said amounts to be paid out of duties collected in Porto Rico as an expense of collection, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WILLIS. Mr. President, in order that there may be a full explanation at hand I ask to have printed in the RECORD a letter from the Secretary of the Treasury bearing upon this subject.

The PRESIDING OFFICER. Without objection, the letter from the Secretary of the Treasury will be printed in the RECORD.

The letter is as follows:

MARCH 26, 1926.

MY DEAR MR. CHAIRMAN: Your letter of the 6th instant addressed to the First Assistant Postmaster General, transmitting copies of H. R. 9831 and H. R. 9314, alloting certain funds from the Porto Rico tariff fund for the erection and completion of customs buildings in Porto Rico, and asking for the facts in this connection, has been referred to this department for attention.

H. R. 9314 provides for the construction of customs offices on the roof of the customs warehouse. The customs offices at San Juan are now located in the Federal building at that port and have sufficient space in which to transact the customs business. The post office, located in the Federal building, however, is in urgent need of additional space, according to reports received by the department. The proposition to construct quarters for customs offices on the roof of the customs warehouse at San Juan is made to relieve congestion in the Federal building, so as to provide much needed space for the post office. It is not essential to the proper functioning of the customs service in the islands, but will concentrate the work of the headquarters port of the customs service in one building, and in this respect be an added convenience to the importers as well as the officers of the service.

H. R. 9831 provides for the completion and repair of customs buildings in Porto Rico under allotments provided by the acts approved January 10, 1920, and June 7, 1924, and also authorizes and directs the payment to Antonio Higuera of $1,826.80 for extra work in connection with the construction of the customs warehouse at San Juan, and $300 for expense incurred in connection with the testing of the foundations before the building was erected.

There is transmitted herewith a letter dated January 13, 1926, addressed to the collector at San Juan by the commissioner of the interior of Porto Rico, under whose technical supervision the building was constructed, which fully states the facts connected with the charge of $1,826.80 for work in excess of the contract and in excess of the expenditures authorized by the department.

A copy of the letter of October 7, 1925, addressed to the department by the collector at San Juan, and a copy of a letter from the commissioner of the interior to the collector of San Juan, under date of December 26, 1925, giving the facts in detail concerning the additional charge of $300 for the testing of foundations before the erection of the customs warehouse was commenced, are also inclosed.

The $7,700 mentioned in this bill for the completion of repairs to certain buildings is needed to complete the work of repairs of buildings damaged by the earthquake, for which the allotment originally made by the act was not sufficient. It is desirable that these buildings be fully completed, which can be done if the amount mentioned in the bill, $7,700, is made available.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. FRANK B. WILLIS,
Committee on Territories and Insular Possessions,
United States Senate.

(Inclosures.)

GOVERNMENT OF PORTO RICO,
DEPARTMENT OF THE INTERIOR,
January 13, 1926.

COLLECTOR OF CUSTOMS,
San Juan.

DEAR SIR: You will remember that when the customs warehouse building at this port was nearing completion it was found that the money available would not be enough to finish certain items included in the contract, and that it would therefore be necessary to leave these unfinished unless more money was made available.

You will no doubt recall that when we made a visit to the building together we saw that it would really be a shame to leave these few items unfinished, since the money required to complete the building entirely was really very small, and, on the other hand, the building could hardly be left in the state it then was, as it would suffer greatly in appearance and in its ability to stand wear and tear.

The two big items which were not complete were the cement top dressing and the wall finish with carborundum. The difference in appearance between the finished sections and those not completed was very marked, and it was also easy to see that unless the entire floor received a good cement top dressing it would deteriorate rapidly under the heavy traffic.

With this thought in mind, and considering also that if this work was done at a later date, as would no doubt be the case, the cost of execution would far exceed its cost at that time, we instructed the contractor to go ahead with the work, so that the building could be turned over to you complete in all its details.

When we took this step we felt confident that under the circumstances it was the wise thing to do, and that when matters were fully explained it would be easy for you to obtain the money needed to cover the cost of this work.

The following is an itemized list of work done by the contractor for which he has not received payment:

928 square yards cement top dressing, at $1	$928.00
4 cubic yards reinforced concrete slat over elevator shaft, at $22	88.00
2,286 square yards wall finish with carborundum, at $0.30	685.80
1 wood platform for the auctioneer, at $25	25.00
10 hose bibbs, at $10	100.00
Total	1,826.80

It should also be mentioned that in order that this work might be carried on, the contractor agreed to reduce the price for the wall finish and the hose bibbs from $0.50 to $0.30 and from $15 to $10, respectively.

I trust that this letter, which is in the way of a reminder and an explanation, will enable you to obtain the small amount necessary to close this matter.

Very truly yours,

——— ———, *Commissioner.*

CERTAIN PRIVILEGES UNDER NATURALIZATION LAWS

The bill (H. R. 9761) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War was considered as in Committee of the Whole and was read.

Mr REED of Pennsylvania. Mr President, I think I can save time by explaining in a few words the purpose of the bill.

It was found at the close of the World War that a number of American veterans accepted their discharges in Europe in order that they might visit their families, their parents, who are still living abroad. Most of them came back to this country within the following 12 months. A few of them, for family or business reasons, were detained. There are at present abroad something less than 5,000 American veterans holding honorable discharges from our Army and Navy. Most of them want to stay there, but a few of them have tried to come back and have discovered to their astonishment that although they hold an honorable discharge from our service they are not good enough to be allowed free admittance to the United States without waiting for the quota.

The American Legion post in Rome is the original sponsor for the legislation. They have a membership of over 700 ardent American veterans, all English-speaking, all of them trained soldiers, all of them with honorable discharges. About half of them are anxious now to get back to the United States. Their parents have died or they have settled up the business matters which kept them there, and it seemed to the Committee on Immigration, although we believe most sternly in standing by the immigration policy of the United States, that any man who had an honorable discharge from our forces and was good enough to fight for us in our Army or our Navy is good enough to come back to the United States where he was enlisted.

Mr. JONES of Washington. Mr. President, I think the Senator has answered what I was about to ask, which was that most of these men, as I understand, actually enlisted in this country.

Mr. REED of Pennsylvania. Oh, absolutely every one of them enlisted in this country. They were all here originally. Their absence from the United States occurred because we took them abroad with our armed forces. They were here lawfully in the beginning. They had emigrated to the United States in the past. We took them away from the United States to fight for us, and now we will not let them come back.

Mr. KING. Mr. President——

Mr. REED of Pennsylvania. I yield to the Senator from Utah.

Mr. KING. The bill is reported just as we agreed upon it in the committee?

Mr. REED of Pennsylvania. Precisely; but I want to add a word in that connection. I am coming now to the second section of the bill, which relates to naturalization. During the World War there was put into one of the World War acts, an act passed in July, 1918, I think, a provision allowing the immediate naturalization of these men. A good many thousand aliens then in our Army took advantage of that provision. It was discovered afterwards that a requirement had been adopted here by the Bureau of Immigration, which was not communicated to the officers of our forces abroad, that the naturalization papers then issued should be invalid unless they were filed in the office of the clerk of a district court in this country. Possibly that was in the original law. In any event, it was not known to the officers who administered the naturalization.

I know of several instances in my own State of men who came back and regarded themselves as citizens and went ahead voting. Some of them are voting yet. But technically their naturalization was not complete, because on their return to this country they did not file their papers with the clerk of a district court.

The provisions of the bill are entirely temporary. Immigration is allowed only for a period of one year from the passage of the bill. It is not intended to be a permanent policy. Naturalization is allowed only for a period of two years from the passage of the bill under the provisions of the war time law. Neither section changes the permanent policy of the country.

The PRESIDING OFFICER. Under the five-minute rule the Senator's time has expired.

Mr. REED of Pennsylvania. I ask unanimous consent to proceed two minutes more.

The PRESIDING OFFICER. Without objection, permission is granted.

Mr. REED of Pennsylvania. The legislative drafting service has drafted a bill accomplishing exactly the result aimed at by this bill, making no change in any sense except that it provides against the return of any veteran who has a loathsome or dangerous or contagious disease. Such a provision ought to be put in, and I think the committee overlooked it. It provides against the return of a polygamous person, a procurer, contract laborer, a person previously deported, or a person convicted of a crime. The drafting service thought properly enough that these exceptions ought to remain in the bill, and they have rewritten to the same effect the bill now reported. I believe what they have written and what has been instituted in the House by Mr. TILSON does the same thing in a better way than the bill now here, and therefore I offer it as a substitute for the bill now pending and ask that it be read.

The PRESIDING OFFICER. The Clerk will read the proposed substitute.

Mr. REED of Pennsylvania. It is very short and will not take long.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert:

That (a) as used in this act the term "alien veteran" means an individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, who is now an alien not ineligible to citizenship; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

(b) Terms defined in the immigration act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act.

SEC. 2. An alien veteran shall, for the purposes of the immigration act of 1924, be considered as a nonquota immigrant, but shall be subject to all the other provisions of that act and of the immigration laws, except that—

(a) He shall not be subject to the head tax imposed by section 2 of the immigration act of 1917;

(b) He shall not be required to pay any fee under section 2 or section 7 of the immigration act of 1924;

(c) If otherwise admissible, he shall not be excluded under section 3 of the immigration act of 1917, unless excluded under the provisions of that section relating to—

(1) Persons afflicted with a loathsome or dangerous contagious disease, except tuberculosis in any form;

(2) Polygamy;

(3) Prostitutes, procurers, or other like immoral persons;

(4) Contract laborers;

(5) Persons previously deported;

(6) Persons convicted of crime.

SEC. 3. The unmarried child under 18 years of age, the wife, or the husband of an alien veteran shall, for the purposes of the immigration act of 1924, be considered as a nonquota immigrant when accompanying or following within six months to join him, but shall be subject to all the other provisions of that act and of the immigration laws.

SEC. 4. The foregoing provisions of this act shall not apply to any alien unless the immigration visa is issued to him before the expiration of one year after the enactment of this act.

SEC. 5. An alien veteran admitted to the United States under this act shall not be subject to deportation on the ground that he has become a public charge.

SEC. 6. Nothing in the immigration laws shall be construed as subjecting any person to a fine for bringing to a port of the United States an alien veteran who is admissible under the terms of this act, even though such alien would be subject to exclusion if this act had not been enacted.

SEC. 7. An alien veteran shall, if residing in the United States, be entitled, at any time within two years after the enactment of this act, to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.

Amend the title so as to read: "A bill to admit to the United States, and to extend naturalization privileges to, alien veterans of the World War."

Mr. WADSWORTH. Mr. President, I have an amendment to offer to House bill 9761, which has already been printed. That amendment is drawn to fit the text of House bill 9761. The Senator from Pennsylvania [Mr. REED] has now moved to substitute another bill for the bill which is on the calendar with an entirely different arrangement textually. That means that the amendment which I have drawn would not fit it. I suggest that the amendment which I have drawn and have submitted to the Senate, and which now lies on the table, which I want to offer, should take precedence over the amendment suggested by the Senator from Pennsylvania, because my amendment is to perfect the text of the bill now on the calendar.

Mr. REED of Pennsylvania. Mr. President, I think that is a proper way of going about the matter. We can first vote on the amendment of the Senator from New York and then on the substitute. I hope the Senate will do that. In that way the matter can be disposed of very readily.

The PRESIDING OFFICER. The Chair will rule that the amendment of the Senator from New York is in order and direct the clerk to read the amendment.

Mr. JONES of Washington. Might I ask, should we adopt the amendment of the Senator from New York and then adopt the substitute of the Senator from Pennsylvania, would not that do away with the amendment of the Senator from New York?

Mr. WADSWORTH. The test will come on the amendment offered by myself. Of course, if the amendment offered by myself shall be adopted, the amendment of the Senator from Pennsylvania logically would be rejected, because it would be inconsistent.

Mr. JONES of Washington. It would be inconsistent.

Mr. REED of Pennsylvania. I think the two amendments are so inconsistent that if the amendment of the Senator from New York wins mine must lose.

Mr. FESS. Is the amendment proposed by the Senator from New York to the Senate bill?

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. The Senator from New York [Mr. WADSWORTH] has the floor. Does he yield; and if so, to whom?

Mr. WADSWORTH. No; I want to say in explanation of the question which has been asked me by the Senator from Ohio [Mr. FESS] that the amendment which I have had printed and which now lies on the table awaiting the consideration of House bill 9761 is an amendment to the House bill now being considered.

Mr. FESS. It is an amendment to the House bill?

Mr. WADSWORTH. It is an amendment to the House bill which is now on the calendar and is drawn to fit into that bill.

Mr. FESS. And a House bill is the substitute offered by the Senator from Pennsylvania [Mr. REED]?

Mr. WADSWORTH. The Senator from Pennsylvania, after describing the House bill that is on our calendar, offered a substitute for it to accomplish the same purpose, but with an entirely different arrangement of language.

Mr. FESS. Does the Senator from Pennsylvania offer a substitute for the House bill to which the Senator from New York desires to offer an amendment?

Mr. WADSWORTH. Yes; I have offered an amendment to it.

Mr. FESS. Then the question will come first on the amendment of the Senator from New York.

Mr. WADSWORTH. The Senator from Pennsylvania has conceded that.

Mr. BRUCE. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I yield.

Mr. BRUCE. I should like to ask the Senator from Pennsylvania whether the amendment offered by the Senator from New York is satisfactory to him?

Mr. REED of Pennsylvania. Absolutely not. The amendment proposed by the Senator from New York does not relate to the veterans.

Mr. ASHURST. Mr. President, before the vote is taken, I hope the Senator from New York and the Senator from Pennsylvania, respectively, will explain just what the two proposals are.

Mr. FESS. Mr. President——

Mr. WADSWORTH. The amendment which I now offer—and I will ask the Secretary to read it in just a moment—does not——

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. WADSWORTH. I yield for a question.

Mr. BLEASE. I object, Mr. President, to the consideration of either of the amendments. The amendment of the Senator from Pennsylvania should lie over. I think this is too important a matter to be passed on now.

The PRESIDING OFFICER. The Senator from New York yielded only for a question, the Chair will say to the Senator from South Carolina.

Mr. BLEASE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York did not yield for any purpose except for the asking of a question.

Mr. REED of Pennsylvania. I will say to the Senator from South Carolina that my amendment has been printed as a House bill and is available for every Senator.

Mr. BLEASE. I object.

Mr. WADSWORTH. I did not yield the floor to be taken off the floor.

The PRESIDING OFFICER. The Senator from New York has the floor and declines to yield.

Mr. BLEASE. This is a matter of unanimous consent. I have suggested that there is no quorum present, and I demand a quorum to transact the business of the Senate.

The PRESIDING OFFICER. The Senator from New York has the floor and has declined to yield.

Mr. BLEASE. Does the Chair hold that a Senator can not raise the question of a quorum at any time?

Mr. KING. A parliamentary inquiry, Mr. President.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. The Senator from Utah will state his parliamentary inquiry.

Mr. KING. I inquire if it is not permissible, even when a Senator is on the floor, under the rule under which we are operating this morning, for another Senator to raise objection to the consideration of a bill?

The PRESIDING OFFICER. The Senator from New York [Mr. WADSWORTH] has the floor, and having been asked to yield stated that he yielded for a question only. The Chair therefore construed his yielding the floor to be for that purpose only.

Mr. BLEASE. I call for the regular order.

Mr. COUZENS. A parliamentary inquiry, Mr. President.

Mr. BLEASE. I call for the regular order of business.

Mr. COUZENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Michigan?

Mr. WADSWORTH. I have to yield to the parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state his parliamentary inquiry.

Mr. COUZENS. The Senator from Pennsylvania asked unanimous consent to proceed for two minutes beyond the time allowed by the rule. I ask the Chair if that two minutes have not expired and if therefore the Senator from Pennsylvania was not out of order?

The PRESIDING OFFICER. The Chair rules that the Senator from New York has the floor on another amendment.

Mr. COUZENS. I submit that when this bill came up the Senator from Pennsylvania asked permission to go two minutes beyond the five minutes allowed under the rule, and he proceeded over the two minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania did not exceed the two minutes granted to him.

Mr. REED of Pennsylvania. Will the Senator from New York yield to me for a question?

Mr. WADSWORTH. Yes.

Mr. REED of Pennsylvania. If the Senator from New York will look at Order of Business No. 603 on the calendar, being House bill 6238, he will see that it is an immigration bill to change the nonquota provision. His amendment will be more appropriate to that bill than it would be to the bill now under consideration. I wish to ask the Senator, therefore, if he will not consider offering his amendment to that bill and let the bill now pending go through. Every Senator, I think, is agreed that we should take care of the veterans in this matter. Why not offer the Senator's amendment to House bill 6238 and debate that if it is desired? I am sure the Senator from South Carolina will agree to that.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kansas?

Mr. WADSWORTH. I have no opportunity to answer any questions put to me.

Mr. CURTIS. Mr. President, I rise to a parliamentary inquiry.

Mr. WADSWORTH. I should like to answer the question of the Senator from Pennsylvania.

Mr. CURTIS. I withhold my parliamentary inquiry until the Senator from New York may answer the question.

Mr. WADSWORTH. Mr. President, in answer to the question of the Senator from Pennsylvania, let me say that I have no objection to offering my amendment to Order of Business No. 603, House bill 6238.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas wishes to submit a parliamentary inquiry?

Mr. CURTIS. I desire to submit a parliamentary inquiry for the benefit of the Senator from South Carolina, if I may. I inquire if he may not raise objection at any time before final action is taken on the bill if he delays his objection until after the Senator from New York shall have concluded his remarks?

The PRESIDING OFFICER. Will the Senator again state his parliamentary inquiry for the benefit of the Chair?

Mr. CURTIS. Can not the Senator from South Carolina raise objection to the bill at any time before final action on it?

The PRESIDING OFFICER. The Chair understands that objection can be raised at any time when a Senator secures the floor.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. WADSWORTH. Mr. President, I do not wish to yield for a speech.

Mr. BLEASE. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator will state his question of personal privilege.

Mr. BLEASE. Mr. President, I wanted to appeal from the decision of the Chair, but I was refused the opportunity of doing so. I want to know whether a practice of that kind is to be followed in the Senate. If so, I should like to have the Senate settle the question. This is an effort to press a bill through here in the face of many absent seats on this side of the Senate, and when a quorum is asked for the Presiding Officer refuses to order the roll called, although he must know that absent Senators on this side of the Chamber are against opening the doors of this country to immigration.

The PRESIDING OFFICER. The Chair will rule that the suggestion of the absence of a quorum may not be made when the Senator making it has not the floor, but only when he has the floor. The floor was yielded by the Senator from New York for another purpose. The Senator may not make the suggestion until he secures the floor.

Mr. BLEASE. I will be compelled to appeal from the decision of the Chair.

The PRESIDING OFFICER. Does the Chair understand the Senator from South Carolina to appeal from that decision?

Mr. BLEASE. Yes, sir; and I ask for a quorum to vote on it.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. FESS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Ohio will state his point of order.

Mr. FESS. Suppose there is but one Member in the Chamber besides the Senator speaking; does the Chair hold that Member could not raise the question of the absence of a quorum while the Senator speaking was on the floor?

The PRESIDING OFFICER. Without securing the floor?

Mr. FESS. Yes; without securing the consent of the Senator holding the floor.

The PRESIDING OFFICER. The Chair does not understand that a Senator not having the floor may properly make any inquiry.

Mr. FESS. A Member can make the point of no quorum at any time even without the consent of a Senator who holds the floor at the time. That is the ruling of the Senate.

The PRESIDING OFFICER. The Senator from South Carolina has appealed from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. SWANSON. Mr. President, a point of order can be made at any time even when a Senator is on the floor and without his consent. The Constitution requires the presence of a quorum. The only circumstance in which it has been held that the point can not be raised is when the roll has been called, the presence of a quorum disclosed, and no business has intervened. Debate is not considered the transaction of business. A Senator, therefore, can not keep on calling for a quorum until some business has intervened. However, to-day the point of no quorum has not been made until now. A Senator can be taken off his feet by another Senator to make a point of order. The Senator from South Carolina really made a point of order that the Senator from New York was not proceeding in order because a quorum was not present. I am satisfied that if the Chair will examine the rule and consider the circumstances he will realize that a Senator can not proceed except in order, and he is not in order unless a quorum is present if the absence of a quorum is suggested.

The PRESIDING OFFICER. The Chair will state to the Senator from Virginia that the Senator from South Carolina did not rise to a point of order; otherwise he would have obtained the floor.

Mr. SWANSON. He did that when he raised the point of no quorum. Of course, when the Senator from South Carolina stated that he wished to object to the bill he could not raise the objection at that time while the Senator from New York had the floor, and the Chair was right to that extent; but, subsequently, he made the point of order that there was no quorum present and insisted that it should be ascertained whether there was or not, and the Senator from New York was not proceeding in order, because a quorum must be present if the question of the lack of a quorum is raised.

Mr. CURTIS. Mr. President, I desire to call the Chair's attention to a decision which I think settles this question:

> The agricultural bill being before the Senate and Mr. McCumber having the floor, Mr. Jones made a point of order that nothing can be settled without a quorum.
>
> The PRESIDING OFFICER (Mr. Hitchcock). The Chair rules that a Senator can not be taken off his feet by a point of no quorum against his consent.

Mr. JONES of Washington. Mr. President, you will find several other decisions to the contrary.

Mr. SWANSON. Why, all the decisions are to the contrary. A Senator can only proceed in order. A point of order can be raised at any time under the specific terms of the rule. I admit that when the Senator wanted to interpose an objection while the Senator was on the floor, he could not do that while the Senator had the floor by unanimous consent; but when he shifted and said: "I am going to raise the point of order that the Senator is proceeding out of order because there is no quorum present," that point of order can be made at any time.

Mr. WADSWORTH. Mr. President, this discussion will have become entirely academic if I can have a chance to say what I have been trying to say for the last 15 minutes.

Mr. SWANSON. The point of order is that the Senator has no right to say it until there is a quorum present.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. WADSWORTH. The Senator from Pennsylvania has suggested that I offer my amendment to Order of Business No. 603. I think my amendment would be germane to that bill. I realize perfectly well that my amendment, whenever offered, will give rise to debate. I wanted, however, if the other bill should be taken up to-day, to propose it and have it pending. That was my sole object in rising.

Mr. President, I have no intention whatsoever of holding up the bill affecting the return of these former American soldiers. I am heartily in favor of it. That provision was a part of my bill originally. It has been separated from my bill and reported as a part of a House bill by the Committee on Immigration of the Senate. That is how it happens to be here now. I am willing to vote for it as a separate bill or as part of another bill, the provisions of the other bill being satisfactory; that is all. I have no objection to the passage of this bill, but I shall——

Mr. FESS. Mr. President, will the Senator yield?

Mr. WADSWORTH. I will not yield.

Mr. FESS. I rise to a point of order.

Mr. SWANSON. If the Senator is going to make a speech again, I must insist upon the point of order that there is no quorum present.

Mr. FESS. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Ohio will state his point of order.

Mr. FESS. My point of order is that the Senator from South Carolina was within his rights when he raised the question of the absence of a quorum; and I quote section 22, on page 498 of volume 2, of the Precedents:

> A Senator may take another Senator off his feet at any time to suggest the absence of a quorum.

Mr. GLASS. Otherwise, it would be entirely with the Chair to conduct the business of the Senate all day long without a quorum being present by refusing to recognize any Senator to suggest the absence of a quorum.

Mr. FESS. Certainly.

Mr. WADSWORTH. May I make a suggestion? Will the Senator from South Carolina withdraw his request for a quorum? There is no necessity for it, as my amendment is not to be pressed.

Mr. BLEASE. Mr. President, if it is a courtesy to the Senator from New York, I will do it with pleasure.

The PRESIDING OFFICER. The question now before the Senate is on the appeal by the Senator from South Carolina from the decision of the Chair. Does the Chair understand that the Senator from South Carolina withdraws the appeal?

Mr. BLEASE. Yes.

Mr. WADSWORTH. Now, I withdraw the amendment which I offered. I have been trying to do that for 20 minutes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania, which has been read.

Mr. BLEASE. Mr. President, I desire to ask the Senator from Pennsylvania whether he does not think that after the words "or following to join him" there should be an amendment giving a limited time for that—say within 6 months or 12 months?

Mr. REED of Pennsylvania. I shall be very glad to accept that.

Mr. BLEASE. I suggest that the Senator offer such an amendment, then.

Mr. REED of Pennsylvania. I think that is entirely reasonable.

Mr. BLEASE. I am in favor of the bill, except that I think there should be some limitation there.

Mr. REED of Pennsylvania. After the word "following," then, I accept the amendment to insert the words "within six months."

Mr. WADSWORTH. Mr. President, may I ask the Senator from Pennsylvania a question? As I understand, he prefers the bill which he has offered as a substitute on the ground that he thinks it better maintains the safeguards erected in the law against the entrance of those who are diseased or otherwise highly objectionable from a sanitary or moral standpoint.

Mr. REED of Pennsylvania. That is correct.

Mr. WADSWORTH. Is not that covered in the language of the bill as reported by the Senate committee, on lines 20, 21, and 22? The language reads:

and who applies at a port of entry of the United States in possession of a valid, unexpired, nonquota immigration visa.

Mr. REED of Pennsylvania. I think that is implied, but we did not want to leave it in any doubt. If people have loathsome diseases we do not want them here, no matter what their qualifications are.

Mr. WADSWORTH. Of course not.

Mr. REED of Pennsylvania. And we wanted to make it sure beyond peradventure. That is why we preferred the redraft.

Mr. WADSWORTH. My own construction is that the expression "a valid, unexpired, nonquota immigration visa" keeps the door locked against those cases just as well as if we said it all over again in another way.

Mr. COPELAND. Mr. President, do I understand that the amendment offered by the Senator from Pennsylvania is the House bill?

Mr. REED of Pennsylvania. It is the House bill. It is simply a redraft by the legislative drafting service of the bill which is on the calendar.

Mr. COPELAND. It is House Calendar 196; is it not?

Mr. REED of Pennsylvania. I do not recall its House Calendar number. The clerk can tell us.

Mr. BLEASE. I think the only difference is to take in the mother and father; is it not? That is practically the only difference in the printed bill.

Mr. REED of Pennsylvania. Oh, no; we do not admit the mother and father.

Mr. BLEASE. That is what I say.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Pennsylvania.

Mr. HARRISON. May I ask where that amendment is to be inserted?

Mr. REED of Pennsylvania. It is a substitute for the bill as rewritten by the legislative drafting service.

Mr. HARRISON. I understood, though, that the Senator from South Carolina offered an amendment, or the Senator from Pennsylvania offered an amendment. Where does the amendment come in the bill?

Mr. REED of Pennsylvania. That is in the substitute. In dealing with the relatives following to join the immigrant, the Senator from South Carolina very wisely suggested that they ought to follow within six months; and I was glad to accept his amendment.

Mr. BLEASE. That is to keep them from staying there and marrying, and then coming in under the same permission that they had before they were married.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

On a division, the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to admit to the United States and to extend naturalization privileges to alien veterans of the World War."

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT

The bill (H. R. 3802) to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, a number of amendments have been suggested to me which I think ought to receive consideration. Under the limited time I shall ask that this bill go over without prejudice; and I will join with the Senator from Kansas to-morrow, if we can get the floor, or day after to-morrow, to take it up.

Mr. CAPPER. Mr. President, at the request of the Senator from Utah the bill will, of course, be passed over; but I do want to emphasize the importance of getting action on this bill at the earliest possible opportunity. There are over 100,000 operators' permits in this city to-day that are of no force and effect, and it is exceedingly important that the traffic department should have action on this bill.

Mr. KING. I share the views of the Senator.

The PRESIDING OFFICER. The bill will be passed over.

ANNUAL CONVENTION OF AMERICAN LEGION IN PARIS

The bill (S. 3560) to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927 was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the heads of the executive departments and independent establishments of the Government be, and they hereby are, authorized to grant, in their discretion, extended leave not to exceed 60 days in the year 1927 to ex-service men and women for the sole purpose of attending the annual convention of the American Legion in Paris, France: *Provided, however*, That this statute shall not be construed to modify the provisions of the act approved March 3, 1893, limiting the annual leave which may be granted with pay to 30 days in any one year except that any portion of the 30 days' leave not granted or used during the year 1926 may be allowed to accumulate and be pyramided for the purpose herein specified in addition to the 30 days' leave with pay in 1927.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOISE RECLAMATION PROJECT, IDAHO

The bill (S. 3732) making appropriations for the Hillcrest and Black Canyon units of the Boise reclamation project, Idaho, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation with amendments.

Mr. JONES of Washington. Mr. President, I am not going to object to the consideration of this measure, but I do want to say that I think we are embarking upon a very unwise policy in passing bills authorizing the appropriation for specific projects of the reclamation fund.

In the first place, I do not think it is necessary. That fund is already appropriated for reclamation purposes; and the matter of the selection of the projects, the investigation of the projects, and the approval of the projects that are to be taken up, is left to the Secretary of the Interior; and upon estimates that come down from the Budget this fund can be appropriated to any project or any unit that is found to be feasible and has the recommendation of the Secretary of the Interior. In addition to that, it is entirely within the jurisdiction and power of the Appropriations Committee to appropriate any part of that sum for any project that it considers advisable; so that this legislation is, I think, wholly unnecessary under the existing circumstances. I think that if we do start in upon this policy there will be a scramble in the Senate and a scramble in Congress to pass special appropriation acts for these special projects, and I think it will bring our reclamation policy into discredit; but this bill has the recommendation of the committee, and, as I say, I am not going to object. I just wanted, however, to express my view that this is very unwise from the standpoint, especially of reclamation.

I asked the other day that the bill that was reached, in which the Senator from Texas was interested, should go over. That was largely because there were only three or four minutes left, and I thought there ought to be some explanation of it. I have examined that bill. It is on all fours with this, and so if I make no objection to this, of course, I will not object to that; but I wanted to have in the RECORD my view on the policy upon which we are embarking.

Mr. GOODING. Mr. President, I am sure that this unit of the Boise project, called the Hillcrest project, stands out individually in the work of the Reclamation Bureau.

Something like 20 years ago the Government threw open for settlement what is known as the Boise project. The people settled upon the Hillcrest project, which is a part of the Boise project, built their homes and built their schoolhouses. They have been waiting almost 20 years now for water. In 1918 the Government asked them to form an irrigation district, which they did, and in 1921 the Government signed a contract to furnish the Hillcrest people with water. Since that time not a dollar has been spent for the completion of this project. Five hundred and ninety thousand dollars have been spent on this project. Let me say it is not a new project in any sense. It will take $850,000 to complete it, and then the money will come back into the Treasury. Three times the Secretary of the Interior recommended a direct appropriation for this project, and three times the Budget turned it down. Now, this bill makes an authorization of this project.

I want to do something to give the people who have been living on that project out there, within 5 miles of the capital of the State of Idaho, out on the desert, some encouragement that this work is going to be done and that the project is going to be finished, so that they may stay there with the hope of getting water.

Mr. KING. Mr. President, will the Senator yield?

Mr. GOODING. I yield.

Mr. KING. Why was not an appropriation for this project, if it was approved by the department, included in the last appropriation bill, which carried several million dollars for reclamation projects?

Mr. GOODING. I will say to the Senator that the Budget took the position that they did not care to increase the direct appropriation, so I changed this to an authorization, which, of course, gets away from the objection of the Budget.

Mr. KING. I would like to ask the Senator one other question. Is this for the irrigation of private lands or of public lands?

Mr. GOODING. Private lands. The people went out there and homesteaded. There are a number of homes standing out there now as monuments of a forlorn hope, of people who have been waiting practically 20 years for water. This will complete the last unit of the Boise project. The Secretary held that it was economically sound to appropriate; in fact, he recommended $850,000, and I took the responsibility of cutting it down to $450,000, with the hope that these people could get some encouragement to hang on to their claims, for I believed it would be easier to pass an appropriation for $450,000 than one for $850,000.

Mr. TRAMMELL. Mr. President, I am not going to object to the consideration of this bill, while it does seem to me that heretofore Congress has manifested considerable generosity in making appropriations for these arid-land projects of the West. As I have before stated upon the floor of the Senate, I have no objection to the policy that is being carried out in the reclamation of the arid lands of the West, but I am again going to express my condemnation of a policy which recognizes reclamation of only one class of lands within this country that is worthy and deserving of the assistance of the Government.

The Government having launched upon a policy of appropriating millions and millions of dollars for the reclamation of the arid lands, at a cost per acre of from $50 to $75, in justice and in equity it should also assist the projects in this country where reclamation is carried on by drainage.

In the southern part of the country we have great areas of land that are as fertile and productive land as there is in the world—lands which can be reclaimed for from $10 to $25 an acre. Yet Congress has never seen proper to even give any financial assistance in the way of lending credit to those projects.

Within my own State we have by far the greatest reclamation project in the whole country within one territory, 4,000,000 acres of wonderfully rich land, that territory being reclaimed at the present time under State laws and through a State agency. We have time and time again asked Congress to incorporate in the reclamation laws provisions that would apply to the swamp and overflowed lands of the South.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. TRAMMELL. They are projects which can be carried on more economically, where the lands can be reclaimed for not more than 25 per cent of what it costs to reclaim arid lands, and when once reclaimed, especially in my State, the cost of irrigation is not necessary, as we have 55 to 60 inches annual rainfall, making conditions ideal for growing crops.

Mr. GOODING. I want to say to the Senator that I shall always be with the South when that matter is presented to the Senate. I have always stood for appropriations for the improvement of rivers and for the building of levees to control the floods, which has resulted in the reclamation of something like 17,000,000 acres of land. I have always stood by the South in those projects, and I always shall.

Mr. TRAMMELL. I appreciate the spirit of the Senator, and I am sure he has done as he has said. I have been promised time and time again by certain Senators on the committee, and Senators coming from the West supporting all these projects, that they would give me their assistance. I have nothing against them and their projects. I desire to see them progress. I have been assured by them that they would assist me in bringing about legislation which would assist the reclamation projects in the South. But session after session measures are presented which does not include those sections. This is true, although I have as many as three sessions of Congress had reclamation bills before the committee.

Mr. SMOOT. In the Interior Department appropriation bill which has recently been agreed to by the Senate and the House, with the exception of two items, there is an appropriation of $15,000 for the investigation of the overflowed and swamp lands of the South. That investigation no doubt will be made during the coming year.

I may say to the Senator that I wish the southern Senators had supported the bill I offered for the very purpose of developing the cut-over and the swamp lands of America, along the lines of the reclamation of the arid lands of the West; but I did not get enough votes. I believe that if the bill had been enacted there would have been more land reclaimed under it than has been reclaimed under the western reclamation projects; but the Senator did not vote for it.

Mr. TRAMMELL. As I recall——

The VICE PRESIDENT. Under the five-minute rule the time of the Senator has expired.

Mr. KING. Mr. President, just one word. I want to make one observation in reply to my friend from Florida.

I think the condition in the South to which he has referred is to be distinguished from the reclamation projects of the West in this regard, that the lands in the South are owned by private individuals. The lands which the Government is reclaiming in the West belong to the Government itself. They have no value and they can not be disposed of unless water is furnished. The Government has to provide reclamation projects in order to dispose of them.

I should oppose reclamation projects if they involved the appropriation of money to irrigate private lands. I should oppose an appropriation for the irrigation of private lands of Utah, the private lands of Colorado, or of Florida. So I hope the Senator will distinguish between Government-owned lands and privately owned lands.

Mr. SMITH. Mr. President, I want to ask the Senator from Utah one question. Unirrigated arid land is valueless. The Government goes to the expense of irrigating the land it owns, and makes it valuable, then allows it to be homesteaded without any cost to the one who takes up the homestead. What is the difference between that and taking land that is already owned that is valueless and making it valuable?

Mr. KING. The land is absolutely valueless unless water is placed upon it and unless persons go on the land, and it takes them years to develop that land. As a matter of fact, there are two or three crops of settlers before settlers can be found to stay and reclaim the land.

Mr. SMITH. I would like to debate that with the Senator. There is no difference.

The VICE PRESIDENT. The Clerk will state the amendments.

The first amendment of the committee was, on page 1, line 3, after the word "following," to strike out the words "sums are" and to insert in lieu thereof the words "sum is"; on the same line, after the word "hereby," to insert the words "authorized to be"; on line 6, after the word "reclamation," to strike out the words "fund, to be available immediately" and to insert the word "fund"; on page 2, to strike out the words "Black Canyon unit, Boise project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, $300,000," so as to make the bill read:

Be it enacted, etc., That the following sum is hereby authorized to be appropriated out of the special fund in the Treasury of the United States created by the act of June 17, 1902, and therein designated "the reclamation fund."

Hillcrest unit, Boise project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, $450,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing an appropriation for the Hillcrest unit of the Boise reclamation, Idaho."

CALL OF THE ROLL

Mr. CUMMINS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chef Clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Goff	McKellar
Bayard	Dale	Gooding	McKinley
Bingham	Deneen	Hale	McLean
Blease	Dill	Harreld	McMaster
Borah	Edge	Harris	McNary
Bratton	Ernst	Harrison	Mayfield
Broussard	Fernald	Heflin	Metcalf
Bruce	Ferris	Howell	Neely
Cameron	Fess	Johnson	Norbeck
Capper	Frazier	Jones, N. Mex.	Nye
Caraway	George	Jones, Wash.	Oddie
Copeland	Gerry	Kendrick	Overman
Couzens	Gillett	King	Phipps
Cummins	Glass	La Follette	Pine

Ransdell	Shipstead	Tyson	Wheeler
Reed, Mo.	Smith	Underwood	Williams
Reed, Pa.	Smoot	Wadsworth	Willis
Robinson, Ark.	Stephens	Warren	
Sackett.	Swanson	Watson	
Sheppard	Trammell	Weller	

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER].

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

IMPEACHMENT OF JUDGE GEORGE W. ENGLISH

At 2 o'clock p. m., the managers of the impeachment, on the part of the House of Representatives, of Judge George W. English appeared below the bar of the Senate, and the Assistant Doorkeeper of the Senate (C. A. Loeffler) announced their presence as follows:

I have the honor to announce the managers on the part of the House of Representatives to conduct proceedings in the impeachment of George W. English, a United States district judge for the eastern district of Illinois.

The VICE PRESIDENT (CHARLES G. DAWES). The managers on the part of the House will be received and the Sergeant at Arms will assign them to the seats provided for them.

The managers were escorted by the Sergeant at Arms of the Senate (David S. Barry) to the seats assigned to them in the area in front of the Secretary's desk.

The VICE PRESIDENT. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Hon. George W. English, judge of the United States Court for the Eastern District of Illinois.

Mr. Manager MICHENER. Mr. President.

The VICE PRESIDENT. Mr. Manager.

Mr. Manager MICHENER. Mr. President, the managers on the part of the House of Representatives are here present and ready to present the articles of impeachment which have been preferred by the House of Representatives against George W. English, a district judge of the United States for the eastern district of Illinois. The House adopted the following resolution, which I will read to the Senate:

House Resolution 201

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
April 6, 1926.

Resolved, That EARL C. MICHENER, W. D. BOIES, IRA G. HERSEY, C. ELLIS MOORE, GEORGE R. STOBBS, HATTON W. SUMNERS, ANDREW J. MONTAGUE, JOHN N. TILLMAN, and FRED H. DOMINICK, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against George W. English, United States district judge for the eastern district of Illinois; that said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to impeach the said George W. English of misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against said judge which have been agreed upon by the House; and that the said managers do demand that the Senate take order for the appearance of said George W. English to answer said impeachment, and demand his impeachment, conviction, and removal from office.

NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

Attest:

WM. TYLER PAGE, *Clerk.*

The articles of impeachment, which have been adopted by the House of Representatives and which the managers on the part of the House have been directed to present to the Senate, are in the words and figures following:

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
SIXTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA,
April 1, 1926.

Resolved, That George W. English, United States district judge for the eastern district of Illinois, be impeached of misdemeanors in office; and that the evidence heretofore taken by the special committee of the House of Representatives under House Joint Resolution 347 sustains five articles of impeachment, which are hereinafter set out; and that said articles be, and they are hereby, adopted by the House of Representatives, and that the same shall be exhibited to the Senate in the following words and figures, to wit:

ARTICLES OF IMPEACHMENT OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN THE NAME OF THEMSELVES AND OF ALL OF THE PEOPLE OF THE UNITED STATES OF AMERICA AGAINST GEORGE W. ENGLISH, WHO WAS APPOINTED, DULY QUALIFIED, AND COMMISSIONED TO SERVE DURING GOOD BEHAVIOR IN OFFICE AS UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ILLINOIS, ON MAY 3, 1918

ARTICLE I

That the said George W. English, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and while acting as the district judge for the eastern district of Illinois, did on divers and various occasions so abuse the powers of his high office that he is hereby charged with tyranny and oppression, whereby he has brought the administration of justice in said district in the court of which he is judge into disrepute and by his tyrannous and oppressive course of conduct is guilty of misbehavior falling under the constitutional provision as ground for impeachment and removal from office.

In that the said George W. English, on the 20th day of May, 1922, at a session of court held before him as judge aforesaid, did willfully, tyrannically, oppressively, and unlawfully suspend and disbar one Thomas M. Webb, of East St. Louis, a member of the bar of the United States District Court for the Eastern District of Illinois, without charges having been preferred against him, without any prior notice to him, and without permitting him, the said Thomas M. Webb, to be heard in his own defense, and without due process of law; and also

In that the said George W. English, judge as aforesaid, on the 15th day of August, 1922, in a court then and there holden by him, the said George W. English, judge as aforesaid, did willfully, tyrannically, oppressively, and unlawfully suspend and disbar one Charles A. Karch, of East St. Louis, a member of the bar of the United States District Court for the Eastern District of Illinois, without charges having been preferred against him, without any prior notice to him, and without permitting him, the said Charles A. Karch, to be heard in his own defense, and without due process of law; and also in that the said George W. English, judge as aforesaid, restored the said Karch to membership of the bar in said district, but willfully, tyrannically, oppressively, and unlawfully deprived the said Charles A. Karch of the right to practice in said court or try any case before him, the said George W. English, while sitting or holding court in said eastern district of Illinois; and also

In that the said George W. English, judge as aforesaid, on the 1st day of August, 1922, unlawfully and deceitfully issued a summons from the said district court of the United States, and had the same served by the marshal of said district, summoning the State sheriffs and State attorneys then and there in the said eastern district of Illinois, being duly elected and qualified officials of the sovereign State of Illinois, and the mayor of the city of Wamac, also a duly elected and qualified municipal officer of said State of Illinois, residing in said district, to appear before him in an imaginary case of "the United States against one Gourley and one Daggett," when in truth and fact no such case was then and there pending in said court, and in placing the said State officials and mayor of Wamac in the jury box and when they came into court in answer to said summons then and there in a loud, angry voice, using improper, profane, and indecent language, denounced said officials without any lawful or just cause or reason, and without naming any act of misconduct or offense committed by the said officials and without permitting said officials or any of them to be heard, and without having any lawful authority or control over said officials, and then and there did unlawfully, improperly, oppressively, and tyrannically threaten to remove said State officials from their said offices, and when addressing them used obscence and profane language, and thereupon then and there dismissed said officials from his said court and denied them any explanation or hearing; and also

In that the said George W. English, judge aforesaid, on the 8th day of May, 1922, in the trial of the case of the United States v. Hall, then and there pending before said George W. English, as judge, the said George W. English, judge as aforesaid, from the bench and in open court, did willfully, unlawfully, tyrannically, and oppressively, and intending thereby to coerce the minds of the jurymen in the said court in the performance of their duty as jurors, stated in open court and in the presence of said jurors, parties, and counsel in said case, that if he told them (thereby then and there meaning said jurymen) that a man was guilty and they did not find him guilty that he would send them to jail; and also

In that the said George W. English, judge aforesaid, on the 15th day of August, 1922, willfully, unlawfully, tyrannically, and oppressively did summon Michael L. Munie, of East St. Louis, a member of the editorial staff of the East St. Louis Journal, a newspaper published in said East St. Louis, and Samuel A. O'Neal, a reporter of the St. Louis Post-Dispatch, a newspaper published at St. Louis, in the State of Missouri, and when said Munie and the said O'Neal appeared before him did willfully, unlawfully, tyrannically, and oppressively, and with

angry and abusive language, attempt to coerce and did threaten them as members of the press from truthfully publishing the facts in relation to the disbarment of Charles A. Karch by said George W. English, judge as aforesaid, and then and there used the power of his office tyrannically, in violation of the freedom of the press guaranteed by the Constitution, to suppress the publication of the facts about the official conduct of said George W. English, judge aforesaid, and did then and there forbid the said Munie and the said O'Neal to publish any facts whatsoever in relation to said disbarment under threats of imprisonment; and also

In that the said George W. English, judge aforesaid, on the 15th day of August, 1922, at East St. Louis, in the State of Illinois, did unlawfully summon before him one Joseph Maguire, being then and there the editor and publisher of the Carbondale Free Press, a newspaper published in Carbondale, in said eastern district of Illinois, and then and there, on the appearance before him of said Joseph Maguire in open court, did violently threaten said Joseph Maguire with imprisonment for having printed in his said paper a lawful editorial from the columns of the St. Louis Post-Dispatch, a newspaper published at St. Louis, in the State of Missouri, and in a very angry and improper manner did threaten said Maguire with imprisonment for having also printed some lawful handbills—said handbills having no allusion to said judge or to his conduct of the said court—and then and there did threaten this member of the press with imprisonment.

Wherefore the said George W. English was and is guilty of a course of conduct tyrannous and oppressive and is guilty of misbehavior in office as such judge and was and is guilty of a misdemeanor in office.

ARTICLE II

That George W. English, judge as aforesaid, was guilty of a course of improper and unlawful conduct as said judge, filled with partiality and favoritism, resulting in the creation of a combination to control and manage in collusion with Charles B. Thomas, referee in bankruptcy, in and for the eastern district of Illinois for their own interests and profit and that of the relatives and friends of said George W. English, judge as aforesaid, and of Charles B. Thomas, referee, the bankruptcy affairs of the eastern district of Illinois.

In that said George W. English, judge as aforesaid, corruptly did appoint and continue to appoint said Charles B. Thomas, of East St. Louis, in said State of Illinois, a member of the bar of the district court of the United States in and for said district, as sole referee in bankruptcy in said district with all of the advantages and preferments of said appointment, notwithstanding he then and there well knew that said eastern district was a great commercial district of 45 counties nearly 300 miles long with a large volume of business in bankruptcy, and that the said volume of business would necessarily take all the time and attention of any appointee as referee in bankruptcy to perform properly the work and duties of said office, and well knew at the time of said appointments that said Charles B. Thomas was practicing in all the courts, both civil and criminal, in said eastern district of Illinois, he, the said Charles B. Thomas, through said appointment as sole referee in bankruptcy and the favors in connection therewith extended to him by said George W. English, judge aforesaid, built up a large and lucrative practice; and that, notwithstanding the size of the eastern district of Illinois, the volume of bankruptcy business therein, and the large practice of said Thomas, referee aforesaid, did then and there give said referee in bankruptcy enlarged duties and authority by unlawfully changing and amending the rules of bankruptcy for said eastern district for the sole benefit of said George W. English, judge aforesaid, and the said Charles B. Thomas, sole referee aforesaid, as follows:

"It is hereby further ordered that the following rule be, and the same is hereby, made and adopted as a rule of this court in bankruptcy, to be effective in all cases from and after this date, namely:

"All matters of application for the appointment of a receiver, or the marshal, to take charge of the property of the bankrupt or alleged bankrupt, made after the filing of the petition, and prior to its being dismissed or to the trustee being qualified, shall be and are hereby referred to the referee in bankruptcy for his consideration and action; and the clerk will enter such order of reference as of course in each case; and the referees of this court heretofore or hereafter appointed are hereby authorized and empowered to appoint receivers, or the marshal, upon application of parties in interest, in case the referee shall find same is absolutely necessary for the preservation of the estate, to take charge of the property of the bankrupt; and to exercise all jurisdiction over and in respect to the actions and proceedings of the receiver or marshal which the court by law may exercise. After adjudication, where the referee deems it necessary for the protection of the estate, he may make such appointment on his own motion.

"And it is hereby further ordered that all special rules and general orders heretofore entered or adopted be, and they are hereby, set aside and annulled in so far as they in any way conflict with the provisions of the above rule and general order.

"For the purpose of transacting the business of the court of bankruptcy, it is ordered that the referee [meaning then and there said Charles B. Thomas] be, and he is hereby, authorized and directed to procure and maintain suitable offices for the transaction of said business, and to suitably furnish and equip same for said purpose; that the referee be, and he is hereby, further authorized and directed to employ such clerks, stenographers, and court reporters or any other assistance which he finds and deems necessary for the proper management of said court and offices and the administration of bankrupt estates; to install telephones; to procure and keep on hand needed stationery; and generally to provide all such other and further office equipment proper to transact business of the referee; and

"It is further ordered that in the event that the charges for referee's expenses authorized by any and all of the rules of this court to be charged against the estates administered before the referee do not amount to a total to pay the expenses which the referee has incurred or for which he may have paid or obligated himself to pay, the referee be, and he is hereby, authorized and directed to make a charge against the bankrupt estates administered before him, in as equitable pro rata share as the nature and circumstances will permit, sufficient in amount to meet the deficit existing by reason of the referee's receipts from expenses or charges authorized by this and other rules being less than the total expenses incurred by the referee."

Said amendments of the rules of court were then and there made with the intent to favor and prefer said Charles B. Thomas and did thereby give said Charles B. Thomas the power and opportunity to appoint his friends and members of his family and the family of said George W. English, judge aforesaid, to receiverships and to use said office of referee as aforesaid for the improper personal and financial benefit of said George W. English, judge aforesaid, and said Charles B. Thomas, referee aforesaid, and the friends and families of both.

The said Thomas, in pursuance of said unlawful combination and by authority of said rule and order aforesaid, and with the full knowledge and approval of said George W. English, judge aforesaid, did rent and furnish a large and expensive suite of rooms and offices in said East St. Louis near the said judge's chamber, in the Federal building in said East St. Louis, occupied by said George W. English, judge aforesaid, at the expense and cost of the United States and of estates in bankruptcy by virtue of said rule and order;

And the said Charles B. Thomas then and there, with the full knowledge and consent of said George W. English, judge aforesaid, did wrongfully and unlawfully create and organize a large and expensive office force supported by and paid for out of the funds and assets of estates in bankruptcy as aforesaid, and then and there did hire and provide a large number of clerks, stenographers, and secretaries, at the cost and expense of the United States and the funds and assets of the estates in bankruptcy, as aforesaid;

And the said Charles B. Thomas did then and there hire and place in said offices, with the knowledge and approval of the said George W. English, judge aforesaid, one George W. English, jr., the son of the aforesaid Judge English, at a large compensation, salary, and fees, paid out of the funds and assets of the estates in bankruptcy, in and under the charge and control of said Thomas, referee aforesaid;

And the said Charles B. Thomas, referee aforesaid, did further confer upon said George W. English, jr., appointments as trustee and receiver and appointments as attorney for trustees and receivers in estates in bankruptcy;

And said Referee Charles B. Thomas then and there, with the knowledge, consent, and assistance of the said George W. English, judge aforesaid, did hire and place in the said office and make a part of said organization one M. H. Thomas, son of said Charles B. Thomas; and one D. S. Leadbetter, son-in-law of said Charles B. Thomas; and one C. P. Wideman, son-in-law of said Charles B. Thomas;

And the said Charles B. Thomas, referee aforesaid, did then and there wrongfully and unlawfully pay to all of the persons last aforesaid large salaries, fees, and commissions, and did likewise confer upon said persons, appointments as trustees, receivers, and masters in estates in bankruptcy, with the full knowledge, consent, and approval of said George W. English, judge aforesaid;

And said George W. English, judge aforesaid, in order further to carry out and make effective said improper and unlawful organization, did appoint one Herman P. Frizzell, United States commissioner in and for said eastern district of Illinois, and said commissioner did occupy free of charge the said offices of Charles B. Thomas, referee aforesaid, and did receive from said Charles B. Thomas, as said referee, large and valuable fees, commissions, salaries, appointments as trustee, receiver, and master in estates in bankruptcy with the knowledge and consent of the said George W. English, judge aforesaid;

And the said George W. English, judge aforesaid, did further allow and permit the said Charles B. Thomas, referee aforesaid, to appear as attorney and counsel before said Commissioner Frizzell in divers and sundry criminal cases; and then and there, further to carry out and make effective the said unlawful and improper combination, the said

George W. English, judge aforesaid, with full knowledge of the premises, did improperly and unlawfully consent and approve the appointment by the said referee, Charles B. Thomas, of one Oscar Hooker, of said East St. Louis, as chief clerk in said offices of said referee, and thereby the said Hooker did receive from said Charles B. Thomas, referee aforesaid, large and valuable fees, salaries, appointments as trustee, receiver, and master, and as attorney for trustees and receivers in bankruptcy estates;

And, further, the said George W. English, judge aforesaid, did improperly allow and permit said Hooker, as the agent of a bonding company, to furnish surety bonds for said George W. English, jr., the son of George W. English, judge aforesaid, and also surety bonds for said Herman P. Frizzell, said United States commissioner, and surety bonds for said M. H. Thomas, son of said Charles B. Thomas, as aforesaid, and surety bonds for D. L. Leadbetter and said C. P. Wideman, sons-in-law of said Charles B. Thomas, in all matters of trusteeships and receiverships to which they were appointed by said Charles B. Thomas, referee aforesaid, the said Oscar Hooker, George W. English, jr., D. S. Leadbetter, C. P. Wideman, and Herman P. Frizzell being then and there without property or credit;

And then and there, further to carry out and make effective said unlawful and improper combination, the said George W. English, judge as aforesaid, with full knowledge of the premises, did improperly and unlawfully allow said Charles B. Thomas, referee as aforesaid, to organize and incorporate from his office force and employees a corporation known as the Government Sales Corporation, organized and incorporated November 27, 1922, for the object and purpose of furnishing appraisers in bankruptcy estates and auctioneers in the sale and disposal of assets of estates in bankruptcy, the said Government Sales Corporation being then and there made up and composed, organized, and formed of incorporators and directors from the families and friends of said George W. English, judge aforesaid, and said Charles B. Thomas, referee aforesaid, and from said office force of said Thomas, referee aforesaid;

The said George W. English, judge aforesaid, well knowing the facts and premises, then and there did willfully, improperly, and unlawfully take advantage of his said official position as judge aforesaid, and did aid and assist said Charles B. Thomas, referee aforesaid, in the establishment, maintenance, and operation of said unlawful and improper organization as above set forth, for the purpose of obtaining improper and unlawful personal gains and profits for the said George W. English, judge aforesaid, and his family and friends;

Wherefore the said George W. English was and is guilty of a course of conduct as aforesaid constituting misbehavior as such judge and was and is guilty of a misdemeanor in office.

ARTICLE III

That George W. English, judge aforesaid, was guilty of misbehavior in office in that he corruptly extended partiality and favoritism in divers other matters hereinafter set forth to Charles B. Thomas, said sole referee in bankruptcy in the said eastern district of Illinois, and by his conduct and partiality as judge brought the administration of justice into discredit and disrepute, degraded the dignity of the court, and destroyed the confidence of the public in its integrity;

In that in the matter of the case of East St. Louis & Suburban Co. et al. v. Alton, Granite & St. Louis Traction Co., pending before George W. English, judge as aforesaid, upon the petition for appointment of receivers for said Alton, Granite & St. Louis Traction Co., the said George W. English, judge as aforesaid, did improperly and unlawfully refuse to appoint the temporary receivers suggested by counsel for the parties in interest in said case unless said Charles B. Thomas was appointed attorney for the receivers; that by reason of the condition imposed by George W. English, judge aforesaid, the counsel for the parties in interest in said case did agree to the appointment of said Charles B. Thomas as counsel for said temporary receivers at a salary stipulated by said Charles B. Thomas of $200 a month; and thereupon the said George W. English as judge, improperly, corruptly, and unlawfully appointed said Charles B. Thomas as attorney for the temporary receivers and approved of the payment of said salary by an order entered in said case as of August 11, 1920; and that subsequently, to wit, on January 20, 1921, George W. English, judge aforesaid, did issue an order making the temporary receivers permanent and that the said Charles B. Thomas, as attorney and counsel for the receivers, be paid the sum of $350 per month, and that the further sum of $500 per month additional be paid to said Charles B. Thomas for his services and responsibilities in assisting the receivers in the control and management of said receivership properties, making a total salary of $850 per month, and that said salary should be retroactive from October 1, 1920; that the services of said Charles B. Thomas, both as attorney for the receivers and for assisting in the management of the receivership properties, were not required or necessary, and thereby an additional burden upon the receivership properties was imposed which said George W. English, judge aforesaid, well knew; that his salary of $850 per month was continued to be paid to said Charles B. Thomas for a long period of time, to wit, from October 1, 1920, to January 1, 1925, making the total amount received under said order by said Charles B. Thomas $43,350; that the said appointment of said Charles B. Thomas was made by George W. English, judge aforesaid, with the intent wrongfully and unlawfully to prefer and show partiality and favoritism to said Charles B. Thomas, to whom George W. English, judge aforesaid, was under obligations, financial and otherwise; and also

In that in the case of Handelsman v. Chicago Fuel Co. pending before him, George W. English, judge as aforesaid, did improperly and unlawfully appoint said Charles B. Thomas as one of the receivers in said case and then and there did improperly order, direct, and fix the compensation and salary of said Charles B. Thomas as said receiver at the rate of $1,000 per month; and did then and there improperly and unlawfully appoint said Herman P. Frizzell, United States commissioner for said eastern district of Illinois and chief clerk in the office of said Thomas as referee in bankruptcy, to be attorney for the said receiver Charles B. Thomas, and then and there did improperly fix the salary and fees of said Frizzell as said attorney at the rate of $200 per month; that all said acts of said English as judge aforesaid were done with the unlawful and improper intent unlawfully to favor and prefer said Thomas and benefit the said organization.

In that on the 15th day of August, 1924, at a session of court then holden by George W. English, judge as aforesaid, in the matter of Gideon N. Heuffman et al. v. Hawkins Mortgage Co., in bankruptcy, did improperly and unlawfully allow and permit said Charles B. Thomas, refefee as aforesaid, to appear and conduct said case as attorney and counsellor at law in behalf of Morton S. Hawkins, one of the bankrupts in said case, in violation of the statute of the United States that forbids a referee to practice as an attorney or counsellor at law in any bankruptcy proceedings, and afterwards, to wit, on the 27th day of August, 1924, George W. English, judge as aforesaid, did again improperly and unlawfully allow and permit said Charles B. Thomas, referee as aforesaid, to appear before him and practice as an attorney in behalf of said bankrupt, Morton S. Hawkins; that said unlawful acts were willfully permitted in order to favor said Charles B. Thomas in obtaining from said Morton S. Hawkins, a fee for his services of $2,500, which was then and there paid to said Charles B. Thomas by said Morton S. Hawkins, all with the full knowledge and consent of George W. English, judge as aforesaid; and, also,

In that on the 18th day of May, 1922, after conviction by a jury of one F. J. Skye, in a case before George W. English, judge as aforesaid, involving the crime of selling and possessing intoxicating liquors, the said George W. English, as judge, did impose a sentence upon said F. J. Skye of imprisonment in jail for four months and the payment of a fine of $500; that on the trial the said F. J. Skye was represented by one Charles A. Karch; that after such conviction and sentence said Charles A. Karch took an appeal to the United States Circuit Court of Appeals for the Seventh Circuit in behalf of his client and filed an appeal bond in due course; that subsequently to the appeal said F. J. Skye discharged said Charles A. Karch as attorney and retained Charles B. Thomas, referee aforesaid; that on July 5, 1922, said F. J. Skye, by his attorney, said Charles B. Thomas, abandoned his appeal to the circuit court of appeals and filed a motion for a stay of the sentence of imprisonment, which motion, after hearing, George W. English, judge as aforesaid, did allow and did stay the sentence of imprisonment until December 31, 1922; and on June 7, 1923, George W. English, judge as aforesaid, did order said jail sentence vacated and said stay of execution and commitment to jail of said F. J. Skye made permanent, relieving said F. J. Skye from imprisonment and only obligating him to pay a fine of $500; that said F. J. Skye paid to said Charles B. Thomas $2,500 as a fee in said case; that said vacation of the jail sentence and the permanent stay of execution and commitment was granted by George W. English, judge as aforesaid, without the presence of said Charles B. Thomas in court and without any investigation of the affidavits filed in support thereof, and was done willfully, improperly, unlawfully, and with intent to prefer and show favoritism to said Thomas, to whom said George W. English, judge as aforesaid, was under obligations, financial and otherwise; and, also,

In that in the case of Hamilton v. Egyptian Coal Mining Co., George W. English, judge as aforesaid, did arbitrarily and unlawfully and without notice remove from office the duly appointed receiver in said case, and with intent improperly to prefer and favor Charles B. Thomas, aforesaid, did then and there appoint the said Charles B. Thomas in place of the removed receiver; that this removal of the receiver was made on July 11, 1924, with the intent to prefer unlawfully the said Charles B. Thomas, to whom the said George W. English, judge aforesaid, was under great obligations, financial and otherwise; and, also,

In that on or about March, 1924, at a hearing before George W. English, judge aforesaid, in the case of Wallace v. Shedd Coal Co., George W. English, judge aforesaid, did appoint Charles B. Thomas as an attorney for the receiver (one F. D. Barnard), when in truth and in fact no attorney for said receiver was needed, and afterwards, to wit, on or about August, 1924, said George W. English, judge as aforesaid, did arbitrarily and improperly remove from office said F. B.

Barnard as such receiver and then and there did improperly appoint as receiver in place of said Barnard said Charles B. Thomas; that the removal of said receiver and the appointment of said Charles B. Thomas was made with the intent to corruptly prefer said Charles B. Thomas, to whom said George W. English was under great obligations, financial and otherwise; and, also,

In that on or about the 27th day of June, 1924, at a hearing held by him, George W. English, judge as aforesaid, in the case of Ritchey et al. *v.* Southern Gem Coal Corporation, George W. English, judge as aforesaid, did then and there improperly appoint Charles B. Thomas, aforesaid, one of the receivers in said case, and then and there unlawfully did order and decree that said Charles B. Thomas, as said receiver, should have as his salary the excessive and exorbitant sum of $1,000 per month; that said act of George W. English, judge aforesaid, in the appointment of said Charles B. Thomas, as receiver aforesaid, and in the fixing of said exorbitant salary was all done by George W. English, judge as aforesaid, with intent to prefer unlawfully said Charles B. Thomas, to whom said George W. English was under great obligations, financial and otherwise; and, also,

In that on or about the 24th day of October, 1921, at East St. Louis, in the State of Illinois, George W. English, judge as aforesaid, wrongfully, improperly, and unlawfully did accept and receive from said Charles B. Thomas, sole receiver in bankruptcy aforesaid, the sum of $1,435, which was applied toward the purchase price of an automobile that had been purchased by George W. English, judge as aforesaid; that said sum of money was improperly and unlawfully accepted and received by the said George W. English from the said Charles B. Thomas as a return or in recognition of the favoritism and partiality extended by George W. English, judge as aforesaid, to Charles B. Thomas, aforesaid; and, also,

In that George W. English, judge as aforesaid, at a term of court held by said judge for the eastern district of Illinois in the case of the Southern Gem Coal Corporation in receivership, did receive and approve the report of Charles B. Thomas, as one of the receivers in said case, for the first six months of said receivership; that in said report to George W. English, judge as aforesaid, said Charles B. Thomas stated that he had during those six months spent all of his time in Chicago looking after the interest of said Southern Gem Coal Corporation in receivership; and then and there George W. English, judge as aforesaid, did receive and approve said reports; that with full knowledge that said referee, Charles B. Thomas, was neglecting his duties as referee in bankruptcy in his office at East St. Louis in spending six months of his time 290 miles away from his office at East St. Louis, George W. English, judge as aforesaid, did then and there, despite this knowledge and these facts, approve said negligence on the part of said Charles B. Thomas and said neglect of duty without criticism or rebuke by then and there reappointing him for another term.

Wherefore the said George W. English was and is guilty of misbehavior as such judge and was and is guilty of a misdemeanor in office.

ARTICLE IV

That George W. English, while serving as judge as aforesaid in the District Court of the United States for the Eastern District of Illinois, did, in conjunction with Charles B. Thomas, sole referee in bankruptcy aforesaid, corruptly and improperly handle and control the deposit of bankruptcy and other funds under his control in said court by depositing, transferring, and using said funds for the pecuniary benefit of himself and said Charles B. Thomas, sole referee in bankruptcy, thus prostituting his official power and influence for the purpose of securing benefits to himself and to his family and to the said Charles B. Thomas and his family.

In that George W. English, judge as aforesaid, on or about December, 1918, did designate the First State Bank of Coulterville, in the State of Illinois, to be the sole United States depository of bankruptcy funds within said district; that said bank was situated a great distance from East St. Louis, the office and place of business of Charles B. Thomas, said referee in bankruptcy; and that then and there one J. E. Carlton, a brother-in-law of George W. English, judge aforesaid, was a large stockholder and director and cashier of said bank; and that George W. English, judge as aforesaid, was a depositor, stockholder, and director in said bank; that said improper act of George W. English, judge as aforesaid, in designating said bank, tended to scandalize the court in the administration of its bankruptcy business; and, also,

In that on or about July, 1919, George W. English, judge as aforesaid, at a hearing then had before him in the case of Sanders *v.* Southern Traction Co., in which certain assets had been sold for the sum of $400,000, did willfully and unlawfully order and decree that of said sum of $400,000 the sum of, to wit, $100,000 should be deposited in the Merchants State Bank of Centralia, Ill., a United States depository of bankruptcy funds, said deposit to draw no interest; that said deposit was made in said bank as ordered and that George W. English, judge as aforesaid, was then and there a depositor, stockholder, and director in said bank; that said order and deposit of funds was made for the benefit of himself, George W. English, judge as aforesaid, and for his personal gain and profit and for the benefit of his family and friends, to the great scandal of the said office of judge aforesaid, and all tending to bring the administration of justice in said court into distrust and contempt; and, also,

In that George W. English, judge as aforesaid, on or about October 1, 1922, and Charles B. Thomas, sole referee in bankruptcy aforesaid, did make and enter into the following improper and unlawful agreement with the officers of the Drovers National Bank of East St. Louis, to wit, that in consideration that said bank would employ one Farris English, son of said George W. English, as cashier in said bank at a salary of $1,500 per year, that George W. English, judge as aforesaid, and Charles B. Thomas, referee aforesaid, would make and designate said bank as a Government depository of bankruptcy funds without interest thereon, and that funds from estates in bankruptcy and receiverships should thereafter largely be sent to and deposited in said bank, and that George W. English, judge as aforesaid, and Charles B. Thomas, sole referee as aforesaid, and said Farris English would become depositors in said bank and then and there would purchase shares of stock therein as follows:

George W. English, judge as aforesaid, 10 shares; said Farris English, 10 shares; and said Charles B. Thomas, 50 shares, at $80 per share; that in pursuance of said agreement said Farris English was hired as cashier at said salary of $1,500 per year and entered upon this employment; that George W. English, judge as aforesaid, in pursuance of said agreement, did designate said bank to be a Government depository of bankruptcy funds, and said George W. English and said Farris English and said Charles B. Thomas, in pursuance of said agreement, did become depositors in said bank, and the said George W. English, judge as aforesaid, the said Charles B. Thomas, referee as aforesaid, did make 17 transfers of bankruptcy funds from the Union Trust Co. of East St. Louis and cause the same to be deposited in said Drovers National Bank without interest to the aggregate amount of $100,000, and then and there George W. English, judge as aforesaid, did receive and pay for his said 10 shares of stock and also for the stock of his son, said Farris English; that the said improper acts were done and performed by George W. English, judge as aforesaid, with the wrongful and unlawful intent to use the influence of his said office as judge for the personal gain and profit of himself, said George W. English, and for the unlawful and improper and personal gain of the family and friends of the said George W. English; and, also,

In that George W. English, judge as aforesaid, on or about the 1st day of April, 1924, with the knowledge and consent of Charles B. Thomas, referee in bankruptcy aforesaid, did make and enter into the following improper and unlawful agreement with said Union Trust Co., a Government depository of bankruptcy funds, to wit, that if said Union Trust Co. would then and there employ one Farris English, the son of George W. English, judge aforesaid, at a salary of $200 per month, he, said George W. English, judge aforesaid, with said Charles B. Thomas, would become depositors in said Union Trust Co., and that he, the said George W. English, and said Charles B. Thomas would cause to be removed from the Drovers National Bank of East St. Louis the bankruptcy funds deposited there and would deposit the same in said Union Trust Co. and that said Union Trust Co. should pay to said Farris English, in addition to his said salary of $200 per month, interest on said bankruptcy funds from time to time on deposit in said Union Trust Co. at the rate of 3 per cent on monthly balances, and for this consideration George W. English, judge as aforesaid, further did agree with said Union Trust Co. that while said agreement continued said funds should not be withdrawn and deposited in any other Government depository, and thereupon said Farris English was employed by said Union Trust Co. under said agreement and remained in the services of said company for 14 months and drew out of said company during this said period, in addition to his salary of $200 per month, the sum of $2,700 as interest on bankruptcy funds; that the bankruptcy funds were withdrawn from said Drovers National Bank and deposited in the said Union Trust Co. under said agreement; that George W. English, judge as aforesaid, and Charles B. Thomas, referee in bankruptcy aforesaid, did then and there become depositors in said Union Trust Co., the said George W. English did then and there use his influence as judge for the unlawful and improper personal gain and profit to himself, family, and friends; and, also,

In that George W. English, judge as aforesaid, did improperly designate the Merchants State Bank of Centralia, Ill., to be a Government depository of bankruptcy funds, in which bank he, the said George W. English, and he, the said Charles B. Thomas, were then and there depositors and stockholders, and George W. English was then and there a director; and, also,

In that George W. English, judge as aforesaid, on divers days and times prior to the 7th day of April, 1925, and while George W. English, judge as aforesaid, and Charles B. Thomas, referee in bankruptcy aforesaid, were each depositors and stockholders and George W. English, a director of said Merchants State Bank of Centralia, Ill., and while said bank was a Government depository of bankruptcy funds, did borrow from said bank without security, at a rate of interest below the customary rate, sums of money from time to time amounting in the aggregate to $17,200, and that during said time prior to the 7th day of April, 1925, Charles B. Thomas, said referee in bankruptcy, did borrow from

said bank without security and at a rate of interest below the customary rate sums of money to the total of $20,000; that said sums were loaned and said loans were renewed from time to time and carried by said bank to the said George W. English and said Charles B. Thomas, by reason of the use of the official influence of George W. English, judge as aforesaid, and Charles B. Thomas, sole referee in bankruptcy aforesaid, and by reason of said bank having been made and continued as a United States depository for bankruptcy and other funds without interest; that said George W. English, judge as aforesaid, and Charles B. Thomas, sole referee in bankruptcy aforesaid, acting in concert with officers and directors of said Merchants State Bank of Centralia, Ill., did borrow with said directors sums of money in the total equal to all of the surplus, assets, and capital of said bank and at a low rate of interest and without security.

Wherefore the said George W. English was and is guilty of a course of conduct constituting misbehavior as such judge and that said George W. English was and is guilty of a misdemeanor in office.

ARTICLE V

That George W. English, on the 3d day of May, 1918, was duly appointed United States district judge for the eastern district of Illinois, and has held such office to the present day.

That during the time in which said George W. English has acted as such United States district judge, he, the said George W. English, at divers times and places, has repeatedly, in his judicial capacity, treated members of the bar in a manner coarse, indecent, arbitrary, and tyrannical, and has so conducted himself in court and from the bench as to oppress and hinder members of the bar in the faithful discharge of their sworn duties to their clients, and to deprive such clients of their right to appear and be protected in their liberty and property by counsel, and in the above and other ways has conducted himself in a manner unbecoming the high position which he holds and thereby did bring the administration of justice in his said court into contempt and disgrace, to the great scandal and reproach of the said court.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places, while acting as such judge, did disregard the authority of the laws, and, wickedly meaning and intending so to do, did refuse to allow parties lawfully in said court the benefit of trial by jury, contrary to his said trust and duty as judge of said district court, against the laws of the United States, and in violation of the solemn oath which he had taken to administer equal and impartial justice.

That the said George W. English, as judge aforesaid, during his said term of office, at divers times and places, when acting as such judge, did so conduct himself in his said court, in making decisions and orders in actions pending in his said court and before him as said judge, as to excite fear and distrust and to inspire a widespread belief, in and beyond said eastern district of Illinois that causes were not decided in said court according to their merits but were decided with partiality and with prejudice and favoritism to certain individuals, particularly to one Charles B. Thomas, referee in bankruptcy for said eastern district.

That the said George W. English, as judge aforesaid, during his said term of office, at divers times and places, while acting as said judge, did improperly and unlawfully, with intent to favor and prefer Charles B. Thomas, his referee in bankruptcy for said eastern district, and to make for said Thomas large and improper gains and profits, continually and habitually prefer said Thomas in his appointments, rulings, and decrees.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places while acting as said judge, from the bench and in open court, did interfere with and usurp the authority and power and privileges of the sovereign State of Illinois, and usurp the rights and powers of said State over its State officials, and set at naught the constitutional rights of said sovereign State of Illinois, to the great prejudice and scandal of the cause of justice and of his said court and the rights of the people to have and receive due process of law.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places, did, while acting as said judge, unlawfully and improperly attempt to secure the approval, cooperation, and assistance of his associate upon the bench in said eastern district of Illinois, Judge Walter C. Lindley, by suggesting to said Walter C. Lindley, judge as aforesaid, that he appoint George W. English, jr., son of said George W. English, judge as aforesaid, to receiverships and other appointments in the said district court for said eastern district of Illinois, in consideration that said George W. English, judge as aforesaid, would appoint to like positions in his said court a cousin of said Judge Walter C. Lindley, and thereby unlawfully and improperly avoid the law in such case made and provided; all to the disgrace and prejudice of the administration of justice in the court of George W. English, judge as aforesaid.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places, did, while serving as said judge, seek from a large railroad corporation, to wit, the Missouri Pacific Railroad Co., which had large trackage, in said eastern district of Illinois, the appointment of his son, George W. English, jr., as attorney for said railroad.

All to the scandal and disrepute of said court and the administration of justice therein.

Wherefore, the said George W. English was and is guilty of misbehavior as such judge and of a misdemeanor in office.

NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

Attest:

WM. TYLER PAGE, *Clerk.*

(Seal of the House of Representatives, United States.)

Mr. Manager MICHENER (continuing). And, Mr. President, the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said George W. English, a district judge of the United States for the eastern district of Illinois, and also of replying to his answers which he shall make unto the articles preferred against him, and of offering proof to the same and every part thereof, and to all and every other article of accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said George W. English may be put to answer the misdemeanors in office which have been charged against him in the articles which have been exhibited to the Senate, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

Mr. President, the managers on the part of the House of Representatives, in pursuance of the action of the House of Representatives by the adoption of the articles of impeachment which have just been read to the Senate, do now demand that the Senate take order for the appearance of said George W. English to answer said impeachment, and do now demand his impeachment, conviction, and removal from office.

The VICE PRESIDENT. Mr. Manager, the Senate will take proper order in the matter of the impeachment of Judge George W. English and will communicate its action to the House.

Mr. CUMMINS. Mr. President, in addition to the announcement made by the Chair, I think it is appropriate to present the following order. I ask that it be read at the desk, and I will ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the order proposed.

The Chief Clerk (John C. Crockett) read as follows:

Ordered: The House of Representatives, by its managers, having presented to the Senate articles of impeachment against George W. English, judge of the District Court of the United States for the Eastern District of Illinois, the House, through its managers, is hereby informed that the Senate will, in accordance with its rules, on Friday, the 23d day of April, at 1 o'clock p. m., resolve itself into a body for the trial of said impeachment proceeding, enter the necessary orders, and inform the House of the time at which the Senate will be ready to receive the managers for further action with respect to said impeachment proceeding.

The VICE PRESIDENT. Without objection, the order is agreed to.

Mr. Manager MICHENER. Mr. President, if there is nothing further, the managers will retire at this time.

The VICE PRESIDENT. There is nothing further.

The managers thereupon withdrew.

Mr. BLEASE. Mr. President, when I was a practicing attorney at my home, Newberry, S. C., there was a young man who was my law partner and my constant daily associate for many years. We were and are now the very closest of friends and love each other possibly as well as most brothers do.

He managed my campaign for governor. He was assistant attorney general when I was governor of my State. He himself was afterwards elected to Congress and is now serving his fifth term. We live in the same hotel. We take many of our meals together and are close and constant associates. I consider him one of the ablest lawyers I have ever known. He is a very close student both of law and facts and when he has made up his mind I have the most perfect confidence in his judgment.

On account of my close relations with the Hon. FRED H. DOMINICK, Representative from the third district of South Carolina, who is on the Board of Managers on the part of the House of Representatives, I request that I be excused from taking any part in the impeachment trial of Judge George W. English.

SETTLEMENT OF BELGIAN INDEBTEDNESS

Mr. SMOOT. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6774) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America.

OCEAN STEAMSHIP CO. (LTD.)

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2368) for the relief of Ocean Steamship Co. (Ltd.), a British corporation, which was to strike out all after the enacting clause and to insert:

That the claim of the Ocean Steamship Co. (Ltd.), a British corporation, owner of the steamship *Alcinous*, against the United States for damages alleged to have been caused by collision between said steamship *Alcinous* and the U. S. transport *Artemis*, in or near the harbor of New York on December 3, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due from the United States to the said Ocean Steamship Co. (Ltd.) by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act.

Mr. BAYARD. I move that the Senate concur in the House amendment.

The motion was agreed to.

LEASE OF TRACKS AT ARMY SUPPLY BASE, SOUTH BROOKLYN, N. Y.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1486) to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y., which was, on page 2, line 10, after the word "States," to insert the following:

and the discontinuance without cost of any action now pending by said company against the United States.

Mr. WADSWORTH. I move that the Senate concur in the House amendment.

The motion was agreed to.

SANDUSKY BAY BRIDGE

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9688) granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay, at or near Baybridge, Ohio, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the consent of Congress is hereby granted to G. S. Beckwith, of Cleveland, Ohio, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge and approaches thereto across Sandusky Bay, at a point suitable to the interests of navigation, at or near Baybridge, in the county of Erie, in the State of Ohio, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. The said G. S. Beckwith, his heirs, legal representatives and assigns, are hereby authorized to fix and charge tolls for transit over such bridge and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Ohio, any political subdivision thereof within which any part of such bridge is located, or two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 15 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property, and (4) actual expenditures for necessary improvements.

"SEC. 4. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Ohio under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept, and shall be available for the information of all persons interested.

"SEC. 5. The said G. S. Beckwith, his heirs, legal representatives, and assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said G. S. Beckwith, his heirs, legal representatives, and assigns, shall make available to the Secretary of War all of his or their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 6. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said G. S. Beckwith, his heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved."

And the Senate agree to the same.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

The report was agreed to.

SETTLEMENT OF ITALIAN INDEBTEDNESS

Mr. REED of Pennsylvania. Mr. President, I would like to ask the Senator from Missouri when he expects to present his motion for a reconsideration of the Italian debt settlement bill?

Mr. REED of Missouri. Mr. President, I have just had a very brief conference with the chairman of the committee [Mr.

SMOOT]. I have said to him that I would present the motion for a reconsideration now, with the understanding between the chairman of the committee and myself, which is somewhat informal, that the matter may be discussed to-day, and that to-morrow we will agree on a time to vote.

Mr. SMOOT. Can we not agree now to vote at 3 o'clock to-morrow?

Mr. REED of Missouri. I do not want to agree to a time to vote until I know what discussion there will be, but I will say to the Senator that I shall not obstruct the matter at all.

Mr. SMOOT. Let us vote not later than 4 o'clock to-morrow.

Mr. REED of Missouri. I do not want to agree now on an absolute time to vote. If Senators will trust to me in the matter——

Mr. SMOOT. Let us agree to vote before we recess or adjourn to-morrow.

Mr. REED of Missouri. I do not want to make an agreement. I am willing to say to-day that I have no desire to delay the matter further than until such time as the Senate has had a chance to discuss it. To agree at this moment on a time to vote is impossible. Will not the Senator take my assurance that that is my attitude and let me enter the motion now? I understand the Senator from Nebraska [Mr. HOWELL] is prepared to discuss the question.

Mr. REED of Pennsylvania. Of course I take the assurance of the Senator from Missouri unhesitatingly. All I am disturbed about is that some other Senator who is not a party to his assurance might object to a vote to-morrow. It is very important that the matter shall be finally disposed of one way or the other.

Mr. REED of Missouri. It is possible that some Senator may object; and if so, we might have to proceed in the ordinary way to get to a vote.

Mr. REED of Pennsylvania. Of course, we can always bring it to a vote by moving to lay on the table, but we do not want to do that.

Mr. REED of Missouri. I hope not. I will say to the Senator that this is my attitude: I shall enter the motions forthwith. Let them go to discussion. So far as I am concerned there will be no effort to delay them beyond legitimate and necessary discussion. Probably to-morrow we will agree on an hour to vote, and I shall be agreeable to fixing an hour to vote provided that Senators are prepared to vote. If some one wants to discuss the question he ought not to be cut off from such discussion. I think if the Senator will let the matter drift along we will have no difficulty in getting through.

Mr. FESS. Mr. President——

Mr. SMOOT. The only reason why I want to fix the time is in order that Senators may know when we are going to vote, so that they may be present.

Mr. REED of Missouri. It is difficult now to fix a time. The debate may go on for only an hour. I do not know the attitude of Senators at all. I do not know how they will receive these motions.

Mr. REED of Pennsylvania. May I ask the Senator from Nebraska if he is ready to go on now?

Mr. HOWELL. I am prepared to proceed.

Mr. REED of Pennsylvania. I yield now to the Senator from Ohio.

Mr. FESS. Mr. President, I announced yesterday that unless a motion was made to-day to reconsider I would feel under obligation to make it myself. If the motion is going to be made, that obviates the matter of undue delay and consideration, but I still reserve the right, if it proceeds unduly, to make the motion to table it. I want to have that understood. I do not want to do it unless it becomes necessary in order to get a vote.

Mr. REED of Missouri. Did the Senator say he would reserve the right to move to table the motion or to make a motion to reconsider?

Mr. FESS. I will make a motion to table the Senator's motion to reconsider.

Mr. REED of Pennsylvania. We all have that right. We do not have to reserve it.

Mr. FESS. I do not want to be considered as adopting sharp parliamentary practices as was charged yesterday. I want to announce in the beginning that if the matter proceeds unduly long, I shall be compelled to bring it to a vote by that motion.

Mr. REED of Missouri. Mr. President, I move to reconsider the vote by which the Senate rejected the amendment offered by the Senator from Nebraska [Mr. HOWELL].

Mr. REED of Pennsylvania. Mr. President, a point of order.

Mr. ROBINSON of Arkansas. We will have to reconsider the vote by which the bill was passed in order to have a reconsideration of the vote by which tho amendment of the Senator from Nebraska was rejected.

Mr. REED of Pennsylvania. My point of order is that only a motion to reconsider can be made of the vote by which the bill was finally passed.

Mr. REED of Missouri. I am going to incorporate that in my motion. I move to reconsider the vote by which the amendment offered by the Senator from Nebraska [Mr. HOWELL] to the bill commonly known as the Italian debt settlement bill was rejected, and I move to reconsider the vote by which the bill commonly known as the Italian debt settlement bill was passed by the Senate.

Mr. REED of Pennsylvania. Mr. President, a point of order to the first part of the motion. The motion is not in order to reconsider any interlocutory vote previous to the final passage of the bill.

The VICE PRESIDENT. The point of order is well taken. The motion for reconsideration should be upon the passage of the bill and then the bill would be open to amendment.

Mr. REED of Missouri. I have tried to approach this matter in a way perfectly fair to the Senate and so as to present without any technicalities the broad questions that we have under consideration. The Chair having sustained the point of order that both matters can not be embraced in one motion, and having saved my record so far as I am able by the motion I have made, I now move to reconsider the vote by which the bill commonly known as the bill for the settlement of the Italian debt was passed.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri.

Mr. HOWELL obtained the floor.

Mr. KING. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. KING. I suggest the absence of a quorum. I think we ought to have a full attendance here when the Senator from Nebraska is addressing the Senate.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Fernald	Kendrick	Reed, Pa.
Bingham	Ferris	King	Robinson, Ark.
Blease	Fess	La Follette	Sackett
Borah	Frazier	McKellar	Sheppard
Bratton	George	McLean	Shipstead
Broussard	Gerry	McMaster	Smith
Bruce	Gillett	McNary	Smoot
Cameron	Glass	Mayfield	Stephens
Caraway	Goff	Metcalf	Trammell
Copeland	Gooding	Neely	Tyson
Couzens	Hale	Norbeck	Underwood
Cummins	Harreld	Nye	Wadsworth
Curtis	Harris	Oddie	Warren
Dale	Harrison	Overman	Watson
Deneen	Heflin	Phipps	Wheeler
Dill	Howell	Pine	Williams
Edge	Johnson	Ransdell	Willis
Ernst	Jones, Wash.	Reed, Mo.	

Mr. CAMERON. I was requested to announce that the Senator from New Mexico [Mr. JONES] and the Senator from Oregon [Mr. STANFIELD] are engaged in a hearing before the Committee on Public Lands and Surveys.

The PRESIDING OFFICER (Mr. MCLEAN in the chair). Seventy-one Senators having answered to their names, a quorum is present.

FORMS FOR BRIDGE BILLS

Mr. BINGHAM. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HOWELL. I yield.

Mr. BINGHAM. Mr. President, some misunderstanding has arisen with regard to the new bridge policy of the Senate Committee on Commerce, due to one or two matters which have come up since that policy was first adopted. I should like to call the attention of Senators who are interested in bridge bills to the conference report adopted this afternoon on a typical toll bridge bill within the boundaries of a State, an intrastate bridge, constituting what is known to the committee as Form 3; and to the last three conference reports, adopted on yesterday, which embrace the bills providing for bridges over the Mississippi River at Natchez, at Vicksburg, and at Louisiana, Mo., which are in the form now agreed upon by the joint conference committee of the two Houses considering bridge bills, and which may be referred to as Form 4, the form for private toll bridges of an interstate character. If Senators will consult those two forms as printed in to-day's RECORD and in yesterday's RECORD, they will find the forms upon which they can rely as being those which will be followed in the

future by the committees of both the Senate and House of Representatives, which have to pass upon bridge bills.

They will notice that those forms omit the proviso requiring a certificate from the Secretary of War as to whether the bridge is adequate from the point of view of the use to which it is to be put. A communication from the Secretary of War has shown that that proviso would greatly add to the cost of conducting the office of Chief of Engineers in the War Department, and would also greatly delay the construction of bridges. In view of that fact, the committee deemed it wise to postpone the inclusion of such proviso until a general revision of the bridge authorization legislation should take place. I ask unanimous consent to insert in the RECORD at this point an excerpt from the letter of the Secretary of War to which I have referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The excerpt from the letter is as follows:

The probable addition to department expenditures that will arise from this new procedure can not now be given. Experience will be needed in order to form an intelligent opinion. The present force of employees is organized to perform only the work Congress has heretofore directed. Judging from the experience of recent years, the probable number of bridge applications to be handled under congressional acts will average one per week. If the law is modified to require similar procedure in all bridge applications, the number of cases will average between four and five per week. The work of investigation and checking will be technical and difficult; and in view of the public necessity of prompt action upon applications, of the responsibility that must be accepted in the matter, of the liability that will rest upon the Government if changes in plans directed by its officers are found to be at fault, an adequate corps of thoroughly qualified assistants must be organized. The cost will undoubtedly be great—so great that, in my judgment, the proviso should receive consideration by the Bureau of the Budget before its adoption.

I wish it understood that the department is in no way hostile to the plan and will willingly undertake the work. The features of the matter herein set forth are presented simply for the reason that I regard it a duty to bring forward whatever may be suggested by the experience of the department as worthy of consideration in embarking upon new responsibilities. In this connection, I would also call attention to the fact that failure of bridge structures in the United States is a comparatively rare occurrence. The cost of mistakes in such work and the heavy liability likely to arise if they occur has been sufficient to cause the exercise of great care by bridge builders, both in designing and erecting their structures. Whether similar efficiency will be shown when the Federal Government assumes something of the responsibility, or whether proponents of bridges will rely on the Government to do the costly work of preparing proper designs and plans, remains to be seen.

Mr. BINGHAM. In the second place, Mr. President, a misunderstanding has arisen over the third paragraph of the statement which I made on March 3 regarding the proposal of the committee for securing an opinion from the highway commission or commissions of the State or States affected before we should give approval to the request of private parties for franchises for toll bridges over navigable streams.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the report of a hearing before the subcommittee of the Committee on Commerce on the Big Sandy River bridge project, which contains a statement from Thomas H. Macdonald, Chief of the Bureau of Public Roads in the Department of Agriculture, with regard to the desire of the department to secure from State highway commissions their opinion as to the desirability of a proposed toll bridge at a particular point, or whether they are about to construct a bridge on behalf of their own State.

The PRESIDING OFFICER. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

STATEMENT OF THOMAS H. M'DONALD, CHIEF OF BUREAU PUBLIC ROADS, DEPARTMENT OF AGRICULTURE

Mr. MACDONALD. Mr. Chairman, I should like to be permitted to make a short general statement, which I regard as more important than any extended comment on this particular bill.

The Department of Agriculture has, in reporting on a number of bills which have been submitted to it, taken this method of putting before the Congress the situation which exists with reference to legislation affecting the building of toll bridges over streams under the jurisdiction of the Federal Government.

We believe that the present law does not meet the present situation and we have known of no better way to place this important matter before the Congress than by incorporating in our reports those principles which we believe are desirable to safeguard and protect the public interests.

There are over 3,000,000 miles of public highways in the United States. We have now operating over them about 20,000,000 motor vehicles. These facts are important in their relation to bridges at certain points because the 3,000,000 miles of public highways, over all of which some traffic moves, have been divided into groups. Certain main highways have been selected for the Federal highway system, to the extent of about 7 per cent of this total mileage, leaving 93 per cent of roads not in the Federal system. The State highway systems contain a total of slightly more, or in the neighborhood of 10 per cent of the total mileage. In other words, 10 per cent of the public-road mileage is under State jurisdiction and 90 per cent under local jurisdiction. There have been improved with surfacing, roughly, over 400,000 miles, a very small portion of the total public-road mileage.

The improvement of so small a percentage of the whole mileage has this effect: The traffic from all of the public roads tends to concentrate on the improved roads. All those roads which are or will be improved as parts of the State or Federal highway systems are known, and the maps indicate without any possibility of material change the places at which these roads will cross the rivers. Our whole road improvement policy is concentrating traffic upon the roads of the State and Federal highway systems leading directly to these important or strategic river crossings.

This will be the tendency for an indefinite period, because it will be years before we will be able to improve fully the entire mileage of the 10 per cent State systems, to say nothing of the 90 per cent which is being improved by the local jurisdictions. So that we have in this situation our public-road policy not only concentrating the traffic on certain roads, but pointing out through the distribution of maps the strategic points where it would be profitable to erect toll bridges.

This fact is being taken advantage of by a very large number of individuals or corporations who have asked Congress to grant franchises for them to erect toll bridges at these points. We are mildly interested in this one particular bridge, but we are interested in performing any responsibility which ought to attach to us in finding out and bringing to the attention of Congress the conditions which exist. I may say that we are very highly interested in the permanent policy established. This proposed franchise seems to me to take away something of authority which ought to lodge with the States. That is, it is a serious question whether a franchise granted by the Federal Government for the erection of a toll bridge on the highway system which will in large part be paid for out of State funds, or out of funds of two adjoining States, does not take away from the States something of authority over the property which belongs to them.

Senator COUZENS. I understand you are suggesting that it might be proper for the Congress to inquire of the States before it grants the franchise?

Mr. MACDONALD. It seems to me so. Here is the point: I am in full sympathy with the general proposition that the Federal Government ought to stay out of local affairs.

Take this particular bridge, without any reference to any individual connected with it. This is not a matter that Congress ought to bother with. A $300,000 bridge ought not to be built as a toll proposition. I believe this is about the probable cost of this bridge. It ought not to be a toll bridge. If it were to cost $1,000,000 or $2,000,000, that would place it in another category; but my judgment is that this is purely a local matter, although technically it is under the jurisdiction of the Congress, because this stream is a navigable stream. At least on paper it is navigable.

Mr. MEEK. It is actually navigable.

Senator COUZENS. I understand, then, your idea is before Congress grants this franchise the wise thing and the proper thing to do would be to refer it to the States and get their viewpoint as to granting the permit.

Mr. MACDONALD. It seems to me that would be a very wise thing to do; but, of course, having the view of those two States would not answer this question of the general policy, which, it seems to me, Congress must meet.

About our position with reference to these privately owned bridges, we believe, first, that so far as possible all bridges ought to be free bridges; that the bridges on all these important highways ought to be free bridges. Second, assuming there is a lack of public funds to meet the cost of construction, we believe that the States ought to be allowed to erect toll bridges and finance them by public bond issues to be retired by the collection of tolls and the bridge thereafter become a free bridge. Third, if a bridge is seriously needed and it is not possible to finance it by one of the first two methods, there may be in particular cases justification for the granting of franchises to private concerns to erect a toll bridge. It is our judgment that franchises are being granted without proper investigation or proper hearings as to the merits of these projects, and we believe that in the future the public will pay dearly to recover these franchises. If, after full investigation, the circumstances are such that Congress believes a franchise should be granted, this should certainly be only in the case of large structures. Then we believe there should be included in the franchise definite provisions as to items of cost that shall be included, as to the

organization charges and as to the length of time that each franchise shall run.

Senator COUZENS. Do you think it would cover the ground if Congress should adopt a policy of requiring the application to come from the States interested rather than individuals? In other words, just take this particular case; if West Virginia should make this request of Congress, that that would be much better than to have it come from a private individual?

Mr. MACDONALD. It seems to me that would be highly desirable, because in that event the States would have to say, "We do not have the money to build this as a free bridge."

Senator COUZENS. In other words, they could state in their application that they wanted to do it themselves or whether they wanted it to be a matter of franchise.

Mr. MACDONALD. It seems to me so.

* * * * * * *

Senator BINGHAM. One more question. Would you believe that if Congress were to adopt the policy of getting the opinion of the States involved as to whether they desired to have such franchise granted and whether to themselves or to a corporation, that this could best be done by the Department of Agriculture by a communication from the Secretary to the governor of the State, or what method would you suggest?

Mr. MACDONALD. That might be handled by this committee through the Department of Agriculture or by this committee direct with the highway department of the States. I should say it would be a matter of reference to the highway department of the States, and as a matter of convenience it might go through the Department of Agriculture.

Senator BINGHAM. If you were requested by this committee before reporting on the bill to ascertain from the highway department of the State what attitude they took toward the bill, would that meet your objection?

Mr. MACDONALD. I think so. I might say, Mr. Chairman, that we came into this question of the bridge situation rather reluctantly. It was only after I had had a conference with the Chief of Engineers of the War Department, at that time General Beach, who told me that under their operations in connection with bridges of this character they were only concerned with the navigation features; that is, I asked if they would not go into the matter of tolls and the general traffic desirability of the bridge and assume rather more extended responsibility in dealing with matters of this character, and it was only with the assurance that they were only concerned with navigation features that we came into the situation at all. When we did so, however, there were protests against the granting of franchises for private toll bridges filed by certain State highway departments with us. Generally the State highway departments do not favor toll bridges.

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Mr. BINGHAM. A reading of a portion of the statement which I asked to have printed in the RECORD will explain the misconception which arose over the language which I used on March 3. That language has given rise to a misunderstanding, particularly on the part of people in the city of Portland, Oreg., as to the necessity of procuring from the State highway commission approval of the plans for any bridge before a bill authorizing it could pass. The idea of the committee, as appears from the hearing, was merely to secure from the highway commissions of the States involved a statement as to whether they proposed to build a free public bridge at the particular point in the near future, and if so, whether they were opposing the granting of a private franchise.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Connecticut a question?

Mr. BINGHAM. Certainly.

Mr. ROBINSON of Arkansas. Has the committee modified its policy with respect to requiring a report from the State highway department touching intrastate bills?

Mr. BINGHAM. Not at all, Mr. President. The committee request in each case the Bureau of Roads of the Department of Agriculture to ascertain from the highway commission of the State or States involved whether they are proposing to build a public bridge at the particular point and therefore do not desire any franchise to be given to private parties. The misunderstanding which arose was due to a very proper interpretation of the language I inadvertently employed, which led to a belief on the part of certain persons that it was necessary for the State highway commission to approve of the plans of the bridge before the permit should be granted.

Mr. ROBINSON of Arkansas. As I understand, all that is required in that connection is information from the State highway department that it does not itself propose to build a bridge at or near the same point?

Mr. BINGHAM. Exactly. It is not the intention of the Senate to grant private franchises where the State itself proposes to build public bridges.

THE RAILROAD LABOR BILL

Mr. WATSON. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HOWELL. I yield.

Mr. WATSON. Mr. President, after the public buildings bill shall have been disposed of, the next legislation on the program, as arranged by the steering committee on this side of the Chamber, will be what is known as the railroad labor bill. Because of the present situation in the Senate, the inability to determine definitely when this measure can be taken up, and because of the further fact that a number of Senators expect to be away and others want to go away for a time, and all of them, as I am advised, want to be present when the bill shall be taken up, I wish to ask unanimous consent that the railway labor bill be made a special order of the Senate immediately after the morning hour on the 6th day of May.

Mr. SMOOT. Mr. President, I do not like to object, but I do not know how long the public buildings bill is going to take.

Mr. WATSON. Of course, if there is unfinished business before the Senate at that time, all I can do will be to take up the special order at the close of the morning hour on that day and again take it up as soon thereafter as possible; but there is no reason to believe, there is no justifiable ground to believe, as I now think, that the public buildings bill will run until the 6th of May.

Mr. SMOOT. Of course, I hope not.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. WATSON. I yield to the Senator from Arkansas, with the permission of the Senator from Nebraska.

Mr. HOWELL. I yield.

Mr. ROBINSON of Arkansas. I do not understand that the Senator is asking to fix a time to vote on this bill at all?

Mr. WATSON. No.

Mr. ROBINSON of Arkansas. He is simply asking to make it a special order for the 6th of May?

Mr. WATSON. For consideration.

Mr. ROBINSON of Arkansas. I myself will be absent for several days prior to the 9th of May, but I will not object to the request to make the bill a special order if other Senators are inclined to agree to the proposal.

Mr. WATSON. I thank the Senator.

Mr. HARRISON. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HOWELL. I do.

Mr. HARRISON. Reserving the right to object, I should like to inquire what is the intention of the steering committee with reference to agricultural legislation? Are we going to pass other foreign debt agreement bills now on the calendar that will give away billions of dollars of the money of the American taxpayers, pass the public buildings bill so that Mr. Mellon may do with it what he desires as to public buildings, then pass railroad labor legislation, and do nothing with reference to the agricultural situation?

Mr. WATSON. Is the Senator asking me a question?

Mr. HARRISON. Yes. The Senator is chairman, as I understand, of the steering committee.

Mr. WATSON. I am not even on the steering committee, I will say to my friend.

Mr. HARRISON. Well, the Senator is in the inner councils on his side of the Chamber.

Mr. WATSON. I will answer the Senator so far as my knowledge extends, which is that agricultural legislation is on the program, and that——

Mr. HARRISON. Where does it come in on the program, may I ask the Senator?

Mr. WATSON. My understanding is that the railway labor bill has been on the agenda, if I may use that term, for some time as a part of the program, after that the McFadden banking bill, as I understand, is to be taken up, and then agricultural legislation is to be considered, so far as I am advised. As to that, however, I defer to my leader, the Senator from Kansas [Mr. CURTIS]. But be that as it may, it is my understanding that agricultural legislation is to be considered before the Senate shall adjourn; and I will say to the Senator that, if I have anything to do with it, it will be considered or the Senate will not adjourn.

Mr. HARRISON. The Senator has told us that, first, the public buildings bill is to come up. It may keep us here until

the 6th of June, and it will if it is adequately discussed—and I hope it will be fully discussed before we vote on it—then it is proposed, as I understand, to consider certain foreign debt settlement bills, which are going to give away a lot more money, then the bankers' bill comes up for consideration, and the Senator does not know for sure whether the agricultural bill is on the program. Until we do know I object to the request.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. HOWELL. I yield.

Mr. CURTIS. At the time of the last meeting of the steering committee no agricultural measure had been reported from the committee and placed upon the calendar. Since that time such a bill has been reported. It is the practice of the steering committee, of course, not to put bills on the list of measures to be considered until they shall have been reported to the Senate; but I can assure the Senator that at the next meeting of the steering committee the bill for the relief of agriculture will be put on the program.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. WATSON. I hope the Senator from Nebraska will yield until we can thrash this matter out.

Mr. HOWELL. I yield.

Mr. BRUCE. I was out of the Chamber at the time, and merely wanted to ask whether the Senator stated what items were on the steering committee's program.

Mr. CURTIS. I only referred to the one item, and said that a bill with regard to agricultural conditions had not been reported at the time of the last meeting of the steering committee, but at the next meeting several measures that are pending will be considered by the committee.

Mr. HARRISON. When did the steering committee meet last, may I ask the Senator from Kansas?

Mr. CURTIS. I have not the date in my mind, but it was before the bill having to do with agricultural conditions was reported.

Mr. HARRISON. As I understand, the Committee on Agriculture had agreed on a report some 10 days before the report was submitted to the Senate.

Mr. CURTIS. We did not know that.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

PERSONAL PRIVILEGE

Mr. REED of Pennsylvania. Mr. President, will the Senator from Nebraska yield to me for a matter of personal privilege?

The PRESIDING OFFICER. The Senator from Pennsylvania will state his question of personal privilege.

Mr. REED of Pennsylvania. Mr. President, in the debate yesterday afternoon in the Senate Chamber certain remarks were made by the Senator from Idaho [Mr. BORAH], which led me to send for and put into the RECORD the yea-and-nay vote on the Warren nomination last spring. The RECORD as it appears in this morning's printed transcript did not accord with my recollection of what occurred, and therefore I ask unanimous consent now to read into the RECORD the reporter's notes of the remarks which were made and then the remarks as changed in lead pencil.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Just a moment, Mr. President. Does the matter which the Senator from Pennsylvania desires to read relate to the remarks of the Senator from Idaho?

Mr. REED of Pennsylvania. It does.

Mr. JOHNSON. Will the Senator pause until the Senator from Idaho can be present? I have just sent for him.

Mr. REED of Pennsylvania. I will be very glad to do so.

Mr. JOHNSON. I think that only fair to him.

NATIONAL BANK BRANCHES

Mr. McLEAN. Mr. President, will the Senator from Nebraska yield to me while we are waiting for the Senator from Idaho?

Mr. HOWELL. I yield.

Mr. McLEAN. I should like to ask the Senator from Indiana if he desires to have the railroad labor bill take precedence of the McFadden banking bill?

Mr. WATSON. I shall desire to have that done if I am here.

Mr. McLEAN. I should like to ask the Senator if that is in accordance with the plan prescribed by the steering committee?

Mr. WATSON. It is.

Mr. McLEAN. The Senator wants that set down for a special order, does he?

Mr. WATSON. Yes. To be entirely frank about it, my primary in Indiana is on the 4th of May, and I want to be in Indiana three or four days before that happens; and I do not intend to leave here, if I can not make this kind of an arrangement, until I know what disposition is to be made of this railroad labor bill, because if I can not make this arrangement I shall stay here and bring it up at the first opportunity.

Mr. ROBINSON of Arkansas. Mr. President, the Senator suggested the 6th of May. He might not feel like coming back so soon after the 4th of May.

Mr. WATSON. Oh, I feel perfectly satisfied about that, I will say to my friend.

The PRESIDING OFFICER. Objection was made to the proposed unanimous-consent agreement.

Mr. WATSON. I know it. I am trying to get my friend from Mississippi to withdraw it.

Mr. HARRISON. Mr. President, may I say to the Senator that as soon as these other debt agreements are out of the way I will join with him in a motion to set aside the public buildings bill and take up his railroad proposition.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. HOWELL. I yield.

Mr. WILLIS. I suggest to the Senator from Indiana that he can solve this whole matter, so far as the great national question to which he is alluding and in which we are all interested is to be settled in Indiana——

Mr. WATSON. I thank the Senator.

Mr. WILLIS. He can settle this question by simply announcing that he proposes to call up this bill on the 6th of May.

Mr. WATSON. I can settle it much more definitely if I have unanimous consent to make it a special order. Of course, I can move to make it a special order, but I would so much rather do it in a nice way and have all the Senators concur.

Mr. WILLIS. If the Senator would announce his intention to call it up at that time, then every Senator could make his plans accordingly.

Mr. McLEAN. Does the Senator assume that his special order will interfere with the unfinished business?

Mr. WATSON. I do not.

Mr. McLEAN. Then would it not be better to postpone the consideration of the labor bill until the Senator has been renominated?

Mr. REED of Missouri. That might be indefinitely.

Mr. WATSON. I think I can give my friend some assurance upon that proposition.

Mr. REED of Missouri. I have not any doubt that the Senator has it fixed.

Mr. WATSON. I thank the Senator. If I can get the attention of the Senator from Mississippi, who seems inclined to insist on his objection, we will let it go over until to-morrow.

Mr. HARRISON. I will say to the Senator that I have no objection to that legislation. I am very much more in favor of that legislation than the unfinished business, the public buildings bill; and I told the Senator that I would join with him to-morrow or next day in a motion to set aside the public buildings bill and to take up this bill. If the Senator does not make such a motion, I shall make it and see whether or not the Senator will join with me in that effort.

Mr. WATSON. Does the Senator, then, still object to the unanimous-consent agreement that I have requested?

Mr. HARRISON. The 6th of May is quite a long time off. We may be able to pass the bill in the next four or five days.

ITALIAN DEBT SETTLEMENT

The Senate resumed the consideration of the motion of Mr. REED of Missouri to reconsider the vote by which the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America was passed.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Nebraska yield to me now on a matter of personal privilege?

Mr. HOWELL. I yield.

Mr. JOHNSON. Mr. President, if the Senator will yield for an instant, I asked him to defer his remarks for a brief period until I had an opportunity to summon the Senator from Idaho [Mr. BORAH]. I failed to reach him, and I do not wish to trespass further on the courtesy of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I do not wish to make any argument, Mr. President, but simply to read into the RECORD,

as I now shall do, the Reporter's transcript and the changes that were made in it.

The PRESIDING OFFICER. Is there objection?

Mr. REED of Pennsylvania. I do not ask unanimous consent.

Mr. President, the reporter reported the dialogue in this way:

Mr. REED of Pennsylvania. Mr. President, the Senator did not feel that way last March when my motion to table was before the Senate.

Mr. BORAH. The Senator from Pennsylvania may be assured, as the RECORD will show, that I have never sat silent when a motion to table has been made. I have always voted against the proposition to lay anything upon the table. It is a universal record of mine here, and the Senator can not challenge it.

Those remarks appear in the RECORD this morning as they have been changed in lead pencil to read as follows:

Mr. BORAH. The Senator from Pennsylvania may be assured, as the RECORD will show, that I have repeatedly protested when a motion to table has been made. It has been my rule to vote against the proposition to lay anything on the table. My record here will show that I have all but universally protested and voted against the practice.

I think I owed that to myself, because without that in the RECORD the subsequent proceedings of yesterday were unintelligent.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HOWELL. I yield.

Mr. REED of Missouri. This is the old story that so often is repeated on the floor of the Senate. Men have a general policy which they think they have adhered to without change, yet it may appear under particular circumstances that they have apparently varied from the policy.

I recall an experience of my own in which some industrious Member dug up the fact that apparently I had voted for a rule of cloture in the Senate. At the time I was astounded by the condition of the RECORD. I did know then, and I do know now, that I have consistently disapproved and opposed every effort to impose cloture upon the Senate. Upon reflection regarding the RECORD, as nearly as I was able to figure out the matter, the situation was that a motion was about to be carried imposing cloture upon the Senate by a majority vote, and I was compelled to take my choice between cloture by a majority vote and cloture by a two-thirds vote. Therefore I voted in favor of cloture by a two-thirds vote as the lesser of the two evils. So I suppose I may say, in the absence of the Senator from Idaho—who generally needs no sponsor or defender, certainly never when he is present—that it may be that technically, upon the question of a reconsideration of the vote relative to Mr. Warren's confirmation, he voted in favor of a motion to table; but let me call attention to this fact:

The Senate had had before it for many days the question as to whether Mr. Warren would be confirmed or not confirmed. It was a simple question as to the fitness of a particular man for a particular place. After full debate, a vote was had, and my distinguished friend from Pennsylvania, whose name I have the honor to bear, voted for Mr. Warren. He was an earnest advocate of Mr. Warren, and a good-faith advocate. Having ascertained that the vote was a tie, or that it was going to be announced as a tie, with the shrewdness which becomes the family name he changed his vote in order to move a reconsideration, not because he wanted Mr. Warren defeated, but because he wanted Mr. Warren confirmed, and he knew that if a John Gilpin alacrity could be injected into the sleeping form of the President of the Senate he might be projected to this body in time to cast the deciding vote. So, in order to get that vote, he changed his own vote from an attitude in favor of Mr. Warren to an attitude against Mr. Warren, in order that he might get a vote here in favor of Mr. Warren; and in that situation I believe that the Senator from Idaho [Mr. BORAH] voted against carrying out this device, scheme, and artifice, and said it could not be consummated in the Senate. The Senator from Idaho voted to table the motion.

That is a very different situation from the one now presented.

Mr. REED of Pennsylvania rose.

Mr. REED of Missouri. I yield to my friend.

Mr. REED of Pennsylvania. I thought the Senator had finished.

Mr. REED of Missouri. No; I have only started.

So, although opposed to the efforts to cut off full discussion and debate, possibly the Senator from Idaho conceived this not to be a matter of discussion or debate, but a matter of how fast an automobile could travel from the Hotel Willard to the Senate bearing the somnolent form of the President of the Senate. That does not affect the merits of the question, and I think does not reflect upon the good faith of the announcement made by the Senator from Idaho on yesterday on the floor of the Senate. But, Mr. President, let us contrast that with the question we had before us yesterday.

A debate had occurred relative to the Italian debt controversy. An insistence was made that a time should be fixed for voting. It was felt by some of the Members of the Senate that the question had not been fully discussed, and the chairman of the committee, the Senator from Utah [Mr. SMOOT], agreed to fix the time two or three days in advance, which carried it to Wednesday.

The intervening period was taken up largely with discussions of other questions. The Senators who desired to discuss the Italian debt were in the major part compelled to attend to other duties; so that when we came to the discussion of the final matter of the Italian debt there remained certain questions which had not been discussed. Among others was the amendment offered by the Senator from Nebraska [Mr. HOWELL].

The Senator from Nebraska, proceeding under a limitation of time, found himself, as he approached the proposition involved in his amendment, ruled down by the gavel, which was properly applied, for his time had expired; and so the Senate failed to obtain from him the light that it might have obtained from his views. Under those conditions, because that question had not been discussed, I reserved or asserted the right to make a motion for reconsideration, which motion is now pending. It was upon that question, and under those circumstances, that the Senator from Idaho made his statement. He may have made it a little too broad.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. McKELLAR. I call the Senator's attention to the motion made by the Senator from Pennsylvania as disclosed in the RECORD at page 7905.

Mr. REED of Pennsylvania. I move a reconsideration of the vote just taken, and on that I ask for the yeas and nays.

Mr. WALSH. I move to lay the motion of the Senator from Pennsylvania on the table, and upon that I ask for the yeas and nays.

I call the Senator's attention to the fact that both the Senator from Pennsylvania and the Senator from Montana asked for an immediate vote, and demanded the yeas and nays on that vote, and, of course, I imagine that my good friend from Pennsylvania was anxious to have the vote at that time on the motion to lay on the table, because it took a majority to carry it, and the Senate, as we all knew, was about equally divided. So that as a matter of fact it was purely a technical matter. The Senate desired to vote at that time.

Mr. REED of Pennsylvania. The Senator understands that a call for the yeas and nays, even if granted, does not necessarily mean an immediate vote. There is opportunity for debate by any Senator.

Mr. McKELLAR. Not necessarily; but of course this record discloses the fact that the Senate was ready to vote at that time, and it was only a question of how that vote should come. Evidently the Senator, and those who believed with him, thought that it had better come on a motion to lay on the table, because it took a majority.

Mr. REED of Missouri. Mr. President, I think we need not deceive ourselves about it. The Senator from Pennsylvania was sparring for time enough to revive the man in his corner of the ring and get him here so that he could cast the deciding vote. The motion to table was intended, if I may pursue my somewhat improper analogy, to accelerate the count so that the vote would become final.

Mr. REED of Pennsylvania. So that the Vice President, to whom the Constitution gave the deciding vote, should not have an opportunity to cast it.

Mr. REED of Missouri. Yes; and that of course involved getting your man here and depriving the other side of the opportunity perhaps to get here some of their men who were absent.

Mr. REED of Pennsylvania. Does the Senator see any ethical difference between an effort to exclude debate, as was suggested yesterday, and an effort to exclude a vote, as was accomplished last March?

Mr. REED of Missouri. I do not see any ethical difference, but I see a very practical difference.

Mr. REED of Pennsylvania. As a practical matter, then, will not the Senator agree that this tender conscience that was displayed yesterday is like a boarding-house beefsteak—it is only tender when it is beaten? [Laughter.]

Mr. REED of Missouri. Mr. President, I do not want to enter into the ethical constituency of a boarding-house beefsteak, although the illustration is very humorous; and gazing at my friend's emaciated countenance, I can imagine his beefsteaks have not always been beaten. [Laughter.]

Mr. REED of Pennsylvania. That is a family failing, is it not?

Mr. REED of Missouri. Not at all. I am well favored, so far as fat is concerned.

Mr. ROBINSON of Arkansas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The Senator will state his inqury.

Mr. ROBINSON of Arkansas. What is the pending question?

Mr. REED of Missouri. My motion to reconsider; and I hope the Senator from Arkansas is not going to try to hold us to a discussion of the question, because if he ever establishes that rule, he will be ruled off the floor perpetually.

Mr. ROBINSON of Arkansas. Mr. President, since no one seems to have any idea of what we are discussing, I thought perhaps the Chair would inform the Senate.

The PRESIDING OFFICER. The Chair is informed that the question is upon a reconsideration of the vote whereby the Italian debt settlement bill was passed. The Senator from Nebraska had the floor, and the Senator from Nebraska stated that he yielded the floor to the Senator from Missouri. So the Senator from Missouri has the floor.

Mr. REED of Missouri. If the Senator from Arkansas has not understood what we are discussing, I am very sure nobody in the world has a brain acute enough to really catch the point.

Mr. ROBINSON of Arkansas. I am sure the Senator from Missouri does not know what he is talking about. [Laughter.]

Mr. REED of Missouri. Well, Mr. President, I should dislike very much to submit any question of logic to my friend from Arkansas, because I feel convinced he would be so prejudiced in the matter that he would render a verdict against me anyway.

Mr. ROBINSON of Arkansas. I take pleasure in leaving it to my friend the Senator from Missouri.

Mr. REED of Missouri. Very well; the Senator is leaving it in safe hands.

Mr. President, after this diversion, there is this great difference between these two questions: In one case we lined up on either side against Mr. Warren or for him, and everybody got here the votes he could get, and we had it out. It was simply a question of the fitness of a man. In this case the question is whether there has been a matter of great legislative import, which ought to be discussed, that has really been overlooked because of the fixing of a definite time for voting. In perfect good faith, and with an absolute hope in my heart that the Senate might reverse its attitude, I stated that I would offer a motion to reconsider. Thereupon the Senator from Ohio [Mr. FESS] said that he would offer such a motion presently, or immediately, and the Senator from Utah [Mr. SMOOT] said he would—and he did—present a motion to lay on the table, which would cut off all debate and all chance to even state the question to the Senate. We had a controversy about that, and it was finally agreed that the motion should be made to-day.

I see no real parallel between the two cases. But I take this occasion to say, although off the RECORD, I am not talking particularly to this question, that I have consistently urged in the Senate—and I will not say there has been no exception on any particular vote—the policy of keeping freedom of debate always a principle to be observed by the Senate. Any abandonment of that in the past has been a mistake. I think we would have had a different result on the World Court vote if we could have waited until the League of Nations' secretariat notified the other sovereign nations of the world that they should not treat with the United States as a sovereign Nation, but ought to assemble themselves under the ægis of the League of Nations and have it determine what their action should be in the negotiations with the United States of America. And I might give other illustrations.

Since the Senator from Nebraska has yielded to me, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Gerry	McMaster	Sheppard
Blease	Gillett	McNary	Smith
Bruce	Hale	Mayfield	Smoot
Cameron	Harris	Neely	Swanson
Caraway	Harrison	Nye	Trammell
Copeland	Heflin	Oddie	Tyson
Curtis	Howell	Overman	Wadsworth
Deneen	Johnson	Phipps	Warren
Dill	Jones, Wash.	Pine	Watson
Edge	Kendrick	Ransdell	Weller
Ernst	King	Reed, Mo.	Wheeler
Fernald	La Follette	Reed, Pa.	Willis
Ferris	McKellar	Robinson, Ark.	
Fess	McKinley	Sackett	

Mr. KING. I desire to announce that the Senator from West Virginia [Mr. GOFF], the Senator from Georgia [Mr. GEORGE], and the Senator from Missouri [Mr. WILLIAMS] are engaged in a meeting of the Committee on Privileges and Elections.

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, I ask unanimous consent that the pending motion of the Senator from Missouri be voted upon not later than 4 o'clock to-morrow.

Mr. REED of Missouri. I presume the Senator would include in that request the right, if the motion be reconsidered, then to consider my motion to reconsider the vote had upon the amendment of the Senator from Nebraska?

Mr. SMOOT. Certainly.

Mr. McKELLAR. Mr. President, may I ask the Senator from Utah if it is expected to bring any other business before the Senate in the meantime?

Mr. SMOOT. If consideration of the motion occupies all the time, nothing will be done until we vote at 4 o'clock if Senators desire to discuss it, but if nobody desires to discuss the question, the Senator would not object to laying it aside temporarily.

Mr. CURTIS. Mr. President, we are to proceed to-morrow at 1 o'clock to organize the impeachment court, though that will take only a few minutes.

Mr. McKELLAR. I have no objection at all.

Mr. HARRISON. Mr. President, reserving the right to object, there are two objections to the proposition. One is the condition we find here on the floor now. The Senator from Nebraska rose some two hours ago to make a speech and we obtained a quorum for him, and now the Senate Chamber is deserted. Senators to whom the speech of the Senator from Nebraska ought to appeal leave the Chamber and do not hear the argument upon which the motion to reconsider is based.

Secondly, when we fix a time certain to vote, then Senators are going to desert the Chamber and are not going to stay here. We saw an example of another reason yesterday. When the time was fixed to vote the Senator from Pennsylvania occupied the last 30 minutes. I had no objection to that. Just before that the Senator from Kansas [Mr. CURTIS] called for a quorum, which took about 10 minutes. Some Senator could have occupied the floor during that time. The Senator from Idaho [Mr. BORAH] could not even present his views. Therefore, I object.

Mr. CURTIS. Mr. President, the Senator from Kansas did not call for a quorum yesterday until after the Senator from Pennsylvania was recognized and had the floor, and the Senator from Mississippi knows that to be true.

Mr. HARRISON. I had not any objection to it except that it took about 10 minutes to call the roll. If that 10 minutes had not been occupied in the roll call, there would have been 10 minutes more to discuss the proposition and someone could have made a reply to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, I hope the Senator from Mississippi will not insist upon his objection. We can make an arrangement that suits the Senator from Missouri as to the apportionment of the time, or provide that no other business shall interfere; but if he does not agree to a time for a vote he forces us to move to table the motion, which is the last thing we want to do.

Mr. HARRISON. If the Senator wants to make a motion to table, let him do it. Why should we be in such a hurry to give away $1,500,000,000? If the Senator wants to take that course, let him take it, but for the present I object to any unanimous-consent agreement.

Mr. REED of Missouri. Mr. President, I think we can agree on this matter. So far as I am concerned, all I want in the world is a chance, when Senators are here, to have the Senator from Nebraska present his views. I would like to present my views, and of course I want the door to be wide open for any other Senator to present his views. I would like to have the question disposed of on its merits. I have no doubt that we can agree on some time to vote to-morrow, and conduct the matter so that everybody shall have a fair chance on each side to argue the question.

Mr. SMOOT. I would be perfectly willing to say that the supporters of the motion should have three-fourths of the time if they want it. It is not a question of time.

Mr. SWANSON. Mr. President, under the rule, to prevent any unnecessary delay, a motion to lay on the table is in order at any time. There is no need to have an agreement on a time to vote, because a motion to lay on the table can be made at any time. I see no occasion for an agreement to vote at a specific time. If there is any delay in the matter, the Senator can move to lay on the table, and that ends it.

Mr. REED of Pennsylvania. As long as the motion is before the Senate, I think it ought to be kept before the Senate. I know the Senator from Missouri agrees with me.

Mr. REED of Missouri. I agree to that, but I now ask unanimous consent that the Senate consider Senate bill 2858.

Mr. REED of Pennsylvania. With the understanding that it shall not displace the pending motion as the business before the Senate?

Mr. REED of Missouri. Yes.

Mr. SMOOT. The Senator is asking unanimous consent that we take up a bill?

The VICE PRESIDENT. Yes; Order of Business No. 379.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a unanimous-consent request first?

Mr. REED of Missouri. Certainly.

ORDER FOR RECESS

Mr. REED of Pennsylvania. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

SALARIES OF CERTAIN JUDGES

Mr. REED of Missouri. I renew my request that the Senate proceed to the consideration of the bill (S. 2858) to fix the salaries of certain judges of the United States.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert the following:

Be it enacted, etc., That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided for by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of $21,500 per year and to each of the Associate Justices thereof the sum of $20,000 per year.

To each of the circuit judges the sum of $15,000 per year.

To each of the district judges the sum of $12,500 per year.

To the chief justice of the Court of Claims and to each of the other judges thereof the sum of $12,500 per year.

To the chief justice of the Court of Appeals of the District of Columbia and to each of the associate justices thereof the sum of $13,500 per year.

To the chief justice of the Supreme Court of the District of Columbia and to each of the associate justices thereof the sum of $12,500 per year.

To the presiding judge of the United States Court of Customs Appeals and to the judges thereof the sum of $13,500 per year.

To each member of the Board of General Appraisers, which board functions as the customs trial court, the sum of $12,500 per year.

That all of said salaries shall be paid in monthly installments.

SEC. 2. That this act shall take effect on the first day of the month next following its approval.

Mr. TRAMMELL. Mr. President, I am in favor of making a reasonable increase to the judiciary, but I am not in favor of the increase proposed by the bill. I therefore object.

Mr. REED of Missouri. I move that we proceed to the consideration of the bill.

Mr. SMOOT. Mr. President——

Mr. HARRISON. Mr. President, a parliamentary inquiry.

Mr. SMOOT. I ask the Senator from Missouri not to make that motion because it would displace the unfinished business. We can take his bill up to-morrow.

Mr. HARRISON. Mr. President, did I not understand the Chair to state that the motion of the Senator from Missouri prevailed?

Mr. SMOOT. No; because I was trying to get the attention of the Chair at the time.

Mr. ROBINSON of Arkansas. Mr. President, I submit a parliamentary inquiry. Was not unanimous consent given for the consideration of the bill?

The VICE PRESIDENT. The Chair so understood.

Mr. ROBINSON of Arkansas. Then I make the point of order that, consent having been given at this time for the consideration of the bill, it is not in order for the Senator from Florida to object to its further consideration. I want to be heard on the point of order, if the Chair is in doubt about its correctness.

Mr. TRAMMELL. I thoroughly agree with the Senator in regard to the rule. I did not know, however, that unanimous consent had been given.

The VICE PRESIDENT. Unanimous consent had been given and the bill was under consideration when the Senator from Florida spoke. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

Mr. TRAMMELL. Mr. President, I did not know that a bill of this importance was going to come up under what might be termed a suspension of the rule. I believe that a reasonable increase should be made in the salaries of the judiciary and I am willing for this bill to be amended so as to give an increase of $2,000 a year to the district judges, to the circuit judges, to the judges of the Supreme Court, and probably to some of the judiciary in the District of Columbia and the Customs Court of Appeals in New York. But the bill in general carries an increase of compensation of about $5,000 to $6,500 a year to each member of the judiciary. I have not had time, the bill having come up unexpectedly, to get all of the details of the proposed increases, but in general it means raising the salaries about 65 to 75 per cent over the present salaries.

In considering the salaries to be paid the judiciary and to those occupying high offices I always reflect upon and think of the policy of the Government in dealing with the average, ordinary everyday employee of the Government. Scattered throughout the country, here in the city of Washington and elsewhere, the Government has thousands and thousands of employees who are contributing all of their time to the Government's service, who are working for the pitiful salaries of $1,200, $1,500, and $1,800 per annum; but, as a rule, when an effort has been made in this body to increase the salaries of those poor clerks, who, as I say, are working for a pittance, with scarcely enough to exist upon, we find at least certain Senators getting up and opposing the proposition and saying that it is not in keeping with Government economy; that we can not increase such salaries. Throughout all my public career I have been in favor of giving reasonable and adequate compensation to those filling positions requiring technical or professional training, but I never have worked myself up to the idea of placing them upon a pinnacle and giving them any salary they might desire and ignoring the right and justice of paying fair compensation to the poor employees who are eking out an existence working for the Government.

Mr. OVERMAN. Mr. President, will the Senator from Florida yield to me?

Mr. TRAMMELL. I am making these comparisons because I think it proper to make them. I guarantee that a bill could not be brought before the Senate by the unanimous consent to give 10 per cent increase in salary to employees who are working for the Government and who get salaries of under $2,000 per annum.

Mr. OVERMAN. Mr. President, before the Senator from Florida goes into a discussion of this matter, I wish to say that I do not say I will vote against the bill myself—I am on the committee from which it was reported—but I wish to say to the Senator from Missouri, who was present at the meeting of the committee, that I think it hardly fair to Senators who are on the committee and who opposed this bill that it should now be considered. The Senator remembers very well that the Senator from Montana [Mr. WALSH], who is absent and can not be here, having been called out of the city to deliver an address, and also the Senator from Utah [Mr. KING], and perhaps other Senators opposed the bill in committee. So I wish the Senator from Missouri would let the matter go over until those Senators may return. I think they would feel very grateful if the Senator would do that. They desire to be heard on the subject. I believe the Senator from Missouri will agree with me, because he remembers what took place in the committee.

Mr. REED of Missouri. I know the bill encountered some opposition.

Mr. TRAMMELL. Mr. President, I suggest to the Senator from North Carolina [Mr. OVERMAN] that I shall not conclude my speech on the subject this afternoon unless the Senate shall remain in session very late, so I do not think there can be much hope of getting a vote on the bill this afternoon. I am going to discuss the bill a little. I am going to let the RECORD contain some comparisons and I am going to discuss the question of policy as applied to poor Government employees who scarcely get sufficient salaries to live on even in cheap rooms and cheap boarding houses, and the contrary policy that seems to prevail, with some Senators at least, when it comes to giving an increase of salary to those who now have salaries providing them with every reasonable comfort in life.

Mr. BRUCE. May I interrupt the Senator from Florida for a moment?

Mr. TRAMMELL. I do not yield the floor but I yield for a question, not for an argument.

Mr. BRUCE. I merely wish the Senator to yield for a question. Does the Senator from Florida propose when he makes up his table of comparisons to institute a comparison also between the salaries that the Members of Congress voted to themselves last year and these proposed judicial salaries?

Mr. TRAMMELL. Yes; I do not object to even showing a comparison as to that.

Mr. BRUCE. The Senator, I believe, was one of the Members of Congress who voted for an increase in the salary of Members of Congress?

Mr. TRAMMELL. No; I did not vote for the increase. I think it is all right, however. I did not vote for it, though; I voted against it. I was not willing to vote to increase my own salary.

Mr. BRUCE. I was not aware of that.

Mr. TRAMMELL. Regardless of the merits of the proposition I did not vote for it. I refused to vote for it and voted against it.

Mr. BRUCE. The Senator remembers that increase. It seems to have been approved by the country generally, because I have never heard any objection made to it in any responsible quarter; but does the Senator think that the present salary of a Congressman furnishes quite a fair standard of comparison for what a judge should receive?

Mr. TRAMMELL. If we make that comparison, I say the salaries should not be increased to the point proposed in the pending measure. I do not think that the judges of the court of appeals——

Mr. BRUCE. The Senator can go to Florida after the Senate shall adjourn and practice law for the rest of the year, but a judge has to give all of his time exclusively, of course, to the discharge of his official duties from one end of the year to the other. He is absolutely debarred from the privilege of practicing law, and for all practical purposes the making of any addition of any kind whatsoever to his income.

Mr. TRAMMELL. The Senator from Maryland may practice law during the recess, but there are a great many of us who in the vacation are kept very busy with the work of our constituencies and the interests of our States and we do not have time to practice law when we get away from here.

Mr. BRUCE. Mr. President——

Mr. TRAMMELL. If the Senator is going to proceed along that line, I desire to say that I have a great respect and regard for the judiciary of the country, but I very seldom have seen a judge of a United States court who did not take a good long vacation each year, regardless of the condition of the docket of his court.

Mr. BRUCE. Of course a judge has the ordinary summer vacation.

Mr. TRAMMELL. The judges take long vacations each year. I have a great deal of respect for the United States Supreme Court, but Senators will notice that court adjourning and taking long vacations every year while their docket is two or three years behind.

Mr. BRUCE. I am glad they do so, because I think that otherwise they would physically be unable to discharge the very onerous duties of their position.

Mr. TRAMMELL. I am not criticizing that; I will say, though, in some instances I think the judges take too much time in vacations when they have congested dockets, for thereby litigation is delayed and litigants are deprived of their rights which are pending in the courts. That militates always against men of moderate means or without means who have to contend with long delays in the courts. I do not approve of too much vacation.

Mr. BRUCE. If the Senator will allow me, I would suggest to him also that when he makes up the table to which he has referred, he institute a comparison between the salaries that the judges of the Supreme Court of the United States are proposed to be paid under this bill and the salaries received, for instance, by the English judges, the chief justice of England, the Lord Chancellor of England, and the other English judges of dignity and importance.

Mr. TRAMMELL. I think that is entirely irrelevant. I will confine myself to America. I do not care to take my examples from England.

Mr. BRUCE. Let me ask the Senator whether he draws that line of discrimination when he comes to apply judicial decisions to cases in which he may happen to be interested? Does the Senator rule out the English decisions in chancery and at common law?

Mr. TRAMMELL. I think, if the Senator please, that there are a good many of them, some of the very old common-law, musty precedents, that ought to have been ruled out, and our courts have been ruling them out and changing policies. We have changed them by statutory law in this country in instance after instance. One of the plagues, one of the curses in this country, so far as our court proceedings are concerned, has been following too much the old English common-law precedents, musty and hoary with age.

Mr. BRUCE. We all learn something if we live long enough. I had supposed that the common law was the glory not only of English but also of American jurisprudence.

Mr. TRAMMELL. I am very glad that America is getting away from being guided too much by English jurisprudence.

Mr. BRUCE. The Senator, of course, does not want to apply anything but Floridian law.

Mr. TRAMMELL. Nothing better could be used as a guide, I assure the Senator.

Mr. DILL. Mr. President, will the Senator from Florida yield to me for a moment?

Mr. TRAMMELL. I yield.

Mr. DILL. I should like to say, in answer to the suggestion of the Senator from Maryland about judges having to work so hard as compared with Representatives and Senators, that it ought to be remembered that once a judge is appointed he holds his position for life.

Mr. TRAMMELL. I was going to bring that out.

Mr. DILL. He does not have to spend $10,000 to get reelected every few years.

Mr. BRUCE. All I have to say is that if some ill-equipped Members of Congress were to undertake to discharge the onerous and responsible duties that a judge of the Supreme Court of the United States discharges he would soon suffer a mental and physical breakdown.

Mr. DILL. What about the district judges whose salaries are going to be increased to $12,000?

Mr. BRUCE. Why should they not be?

Mr. DILL. Because I do not think they are entitled to such an increase.

Mr. BRUCE. That is to say, the Senator thinks he is entitled to $10,000 a year, although every other year he is in Washington only for three months, but a judge of the circuit court of the United States is not entitled to $15,000 a year.

Mr. DILL. We increased the salary of Senators $2,500, but it is proposed by this bill to raise the salaries of judges $5,000.

Mr. TRAMMELL. Mr. President, I do not want any misunderstanding; I have a very high regard for the judiciary, and I appreciate the fact that they are rendering a great service to their country and to their Government; but I balk when it comes to the question of the enormous increase proposed by this bill.

Of course, when it comes to comparisons, we can argue such matters here from many different angles; but take a Member of the House of Representatives or a Member of the Senate. They have the expenses of their campaigns and a great deal more expense than the average judge has. Since I have been here I have seen Members of this body retire in order to accept judgeships. I have known others who had an ambition and a desire to do so.

So far as the question of work is concerned, the average Senator has all of his time occupied in representing his people, whether the Senate is in actual session or whether it is having an adjournment. The judges also, as a rule, have their vacations, and, as a rule, they do not have any longer hours than has a Senator. I believe if it be put on that basis of comparison, there is no reason why the increase should be made that is sought by this bill, if we are going to apply that as the standard.

Mr. BRUCE. Mr. President, there are some Members of the Senate, who happen to be lawyers and who probably in the course of a year after they leave the Senate make twice the amount of salary that they received from the Public Treasury, and, if rumor can be believed, in some instances three or four times as much.

Mr. TRAMMELL. That is correct. I think a great many Senators here would make more money in private life, if we are going to make the dollar the standard, than they make as Members of the Senate.

Mr. BRUCE. A judge has not that opportunity at all. He is totally barred from practicing law and from the privilege of making any addition of any kind to his income.

Mr. TRAMMELL. Judges do not have their positions imposed upon them; they seek them; they are eager to obtain them. In the Senator's State and in my State and all over the Union lawyers have been eager to become judges at the present salaries. A lawyer feels when he receives a lifetime appointment in the honorable position of a judge, a position of distinction and importance, at a good reasonable salary, that he is, indeed, fortunate. Judgeships are sought after all

over the country by the best lawyers of the country, as a rule.

Mr. BRUCE. That is unquestionably so. Of course, the judicial position is one that carries along with it the very highest degree of public distinction and honor, but, at the same time, the judge has his material necessities as well as the other members of the community.

At any rate, I wish to thank the Senator from Florida for stating that I do not have to court the favor of my constituents with quite the same degree of assiduity that he does. I wish I could think that were true.

Mr. TRAMMELL. I do not know what the Senator means when he refers to courting the favor of constituents. I try to represent them; but I do not believe that the average American, either in Maryland or in Florida or in any other State of the Union, when he comes to consider the question and comes to consider the salary policy of this country, would approve of the enormous increase in salary to the judiciary as proposed by this bill.

Mr. BRUCE. Now, let me call the attention of the Senator to the fact that the President of the United States receives $75,000 per annum, does he not?

Mr. TRAMMELL. Certainly; he receives that sum.

Mr. BRUCE. I believe that was the salary during the incumbency of Mr. Taft as President; while President he received $75,000 a year. Why should he not as Chief Justice, a position that is certainly of almost, if not equivalent, dignity, receive $21,000 a year?

Mr. TRAMMELL. I do not see any reason why he should be paid that salary out of the pockets of the American people. He is getting a salary now of $15,000 a year, which is about $1,250 a month. If the proposal should be made to increase by 10 per cent the salary of every Government clerk in this city and throughout the United States who is working to-day for $1,250 a year, we could not get a dozen Senators here who would favor taking such a bill up out of order.

Mr. BRUCE. Since the salary of the Chief Justice of the United States was fixed, of course, the cost of living has just about doubled, has it not, for the Chief Justice and everybody else?

Mr. TRAMMELL. It probably has about doubled.

Mr. BRUCE. It has about doubled. So that in point of purchasing power the salary of the Chief Justice of the United States at present is not $15,000 a year; it is $7,500 a year; and, if for no other reason, these additions ought to be made to the salaries of judges because of the tremendous enhancement that has taken place in the cost of living.

Mr. TRAMMELL. Of course if we consider that there has been an increase of 50 per cent in the cost of living, it depends a great deal upon the station of life and the amount of expenditure. That might represent an increase of only $2,000 a year to the average family, or $2,500 a year to the average family; and yet it is proposed here to increase the salary of the Chief Justice $6,000 a year.

Mr. BRUCE. The wages of every servant in the land have been increased since the World War, the wages of every railroad employee, the wages of every mechanic, of every artisan. A skilled bricklayer in the city of Baltimore is receiving at the present time $14 a day, upward of $4,000 a year. Now, as I say, why should all wages be increased and practically all salaries in industrial life be increased, and yet the salaries of the judges, including the Chief Justice of the United States and the members of the Supreme Court of the United States, not be increased?

Mr. TRAMMELL. If we were to take the comparison of salaries, we would have to consider the salary from which we started. Take labor in this country: In my opinion, 15 or 20 years ago labor in this country was not getting more than about one-half the salary that labor should have been paid at that time. The people who were engaged in the various vocations requiring hard manual labor were receiving such poor compensation that they could not provide reasonably comfortable, decent places in which their families could live; they could not provide reasonable educational opportunities for their children; they could not enjoy any of what the average of us would like to enjoy in the way of pleasure or of amusement, because their wages were so inadequate that they could not do it. But that can not be said in regard to the distinguished men of this country who are occupying places on the judiciary or occupying positions in Congress. They had sufficient at least to live in reasonable comfort, and to enjoy reasonable recreation and amusement and pleasure from their earnings; but the poor laboring man of this country did not have 15 or 20 or 25 years ago.

Mr. BRUCE. The Senator and myself will never disagree about the workers of the country. I do not hesitate to say—and I am arriving at a stage of life now where it is not so easy to impugn the sincerity of any statement I make—that to me the happiest thing that has been brought to my attention in the whole course of my existence is the steady improvement, as respects increase of wages and everything else, that has taken place in the condition of the working classes of this country. That, to me—and I say it unaffectedly—is the thing that of all others has given me the most pleasure.

Mr. TRAMMELL. It has given me a great deal of pleasure.

Mr. BRUCE. But at the same time, of course, when we come to deal with an employment we must ask ourselves in what scale of dignity and importance that employment is; because certainly one employment is not entitled to precisely the same measure of pecuniary compensation as respects salary as another.

Mr. TRAMMELL. I fully realize that.

Mr. BRUCE. What position in the world could be a position of more supreme dignity and importance than that position of a judge? Chief Justice Marshall said, in the Virginia Constitutional Convention of 1829–30—

> The greatest curse that an angry Heaven can call down upon a sinning people is a corrupt or an ignorant or a dependent judiciary—

Or words to that effect.

Mr. TRAMMELL. Mr. President, I thoroughly agree with Chief Justice Marshall's reference to the judiciary, and the honored position they occupy; but on the present salaries paid in this country I do not know of any corrupt judiciary. I think we have a very honorable judiciary, and, generally speaking, a very capable lot of men occupying the bench. That is outside of the question, however. I am dealing purely with the question of salaries and the policy of the Government in dealing with salaries.

Mr. DILL. Mr. President, will the Senator yield?

Mr. TRAMMELL. Yes.

Mr. DILL. This bill has been brought up here without the Senate generally knowing about it, and I think we ought to have a quorum here. I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Reed, Mo.
Blease	Gerry	McMaster	Reed, Pa.
Bruce	Harris	McNary	Robinson, Ark.
Cameron	Harrison	Mayfield	Sackett
Copeland	Heflin	Metcalf	Sheppard
Curtis	Howell	Neely	Smoot
Deneen	Johnson	Norbeck	Swanson
Dill	Jones, N. Mex.	Nye	Trammell
Fernald	Jones, Wash.	Oddie	Wadsworth
Ferris	Kendrick	Overman	Warren
Fess	La Follette	Phipps	Willis

The VICE PRESIDENT. Forty-four Senators having answered to their names, a quorum is not present.

RECESS

Mr. SMOOT. In accordance with the unanimous-consent agreement, I ask that the Senate take a recess at this time.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate (at 4 o'clock and 43 minutes p. m.), under the order previously entered, took a recess until to-morrow, Friday, April 23, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *April 22, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

All merciful Father, for all the encouragements that make us hopeful we bless Thee; for all loving messages and glad surprises we thank Thee; for sincere friendships we praise Thee, and for all the little joys and sweet blessings that come to us through the hours of each day we are grateful to Thee. So bless and help us with Thy spirit that hate shall lose its sting and malice its guile. Teach us to work as hard and be as just as if the whole world were looking on. Give us each day little opportunities to do good and subdue evil. Continue, blessed Saviour, to make the whole earth glad with a new song, young with a new spring, and alive with a new hope. Amen.